

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50209 of 2021**

Arising Out of PS. Case No.-231 Year-2020 Thana- BOCHAHAN District- Muzaffarpur

ASHOK RAY Son of Yogendra Ray @ Jogindar Ray Resident of Village -
Rudahan Sanathi, P.S. - Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 22-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Bochahan P.S. Case No. 231 of 2020 registered for the offences punishable under Sections 272, 273 of the IPC and 30(a) of the Bihar Prohibition and Excise Act.

There is recovery of 48.750 litres of illicit liquor.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that it appears from the FIR and seizure list itself that nothing



has been recovered from conscious possession of the petitioner rather the recovery has been made from the house of co-accused Shyam Ray. It is further submitted that co-accused, namely, Shyam Ray, Pramod Ray, Umesh Ray and Rakesh Ray have been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 25.06.2021 passed in Cr. Misc. No. 16064 of 2021. Petitioner is in custody since 15.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Bochahan P.S. Case No. 231 of 2020, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two



consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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