

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7006 of 2021

Arising Out of PS. Case No.-428 Year-2018 Thana- SAKRA District- Muzaffarpur

SARWAN RAY S/o Vindeshwar Ray R/o Village- Lautan, P.S.- Sakra, Distt-
Muzaffarpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video
Conferencing and the Advocates joined the proceedings through Video
Conferencing from their residence.)

2 17-04-2021 The defect(s) as pointed out by the Office be removed by
the learned counsel for the petitioner within two months after
the High Court resumes its normal functioning.

Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 272, 273 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, the informant stated that on
28.09.2018 while he was on night patrolling he saw two persons
coming on motorcycle. The informant further stated that he
intercepted them and recovered 27 litres foreign liquor and also



seized the motorcycle. The apprehended person disclosed the name of the petitioner and stated that petitioner handed over the seized liquor for sale.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. Petitioner has no concern with the seized liquor and motorcycle. Except confessional statement of co-accused persons, there is nothing against the petitioner. Petitioner has no criminal antecedent and he is in custody since 27.08.2020.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Sakra P.S. Case No. 428 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

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



(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

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