

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.9568 of 2021**

Arising Out of PS. Case No.-157 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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HIRDAY RAY@HIRDAN RAY SON OF LATE SUKUL RAI RESIDENT
OF VILLAGE- MATHNA MILK, P.S.- GORAUL, DISTRICT- VAISHALI

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bakshi S.R.P. Sinha, Sr. Advocate.

Ms. Pratima Kumari, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 2, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 22-06-2021 Learned Senior Counsel for the petitioner undertakes

to remove all the defects pointed out by the Stamp Reporter

within four weeks after start of normal functioning of the Court.

Heard learned Senior Counsel for the petitioner and

Mr. Binod Kumar No. 2, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Excise Case No. 157 of 2018 registered

for the offences punishable under Section 30(A) of the Bihar

Prohibition of Excise Act.

Learned Senior Counsel for the petitioner submits that

the petitioner has been falsely implicated in the present case. As

per the prosecution story, the liquors were seized from a

standing truck near Durgasthan, Chakmeshi. It is alleged that the



petitioner and the co-accused were seen fleeing away from the place of occurrence.

Learned Senior Counsel submits that other co-accused namely Jitendra Kumar Rai @ Jitendra Rai and Sanjeet Rai have been granted bail by learned Coordinate Benches of this Court in Cr. Misc. No. 77356 of 2018 and Cr. Misc No. 2665 of 2019. It is submitted that the petitioner is neither the owner of the said truck nor he has any concern with the seized liquor, he is in custody in connection with the present case since 11.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future.

On the other hand, learned APP for the State has opposed the prayer for bail of the petitioner. It is submitted that in this case the prosecution report was earlier called for, however, a copy of the said prosecution report is enclosed with the petition as Annexure '1'.

Having regard to the facts and circumstances of the case and after perusal of the prosecution report, this Court finds that as per the prosecution story the alleged illicit liquors were seized from a truck which was standing near Chakmeshi village Durgasthan, the petitioner was not arrested on the spot and he has been brought in the category of accused alleging that he had



fled away, in the nature of materials and the fact that the petitioner has remained in custody for about seven months, investigation against him is complete but the trial is not likely to be concluded in near future and in one case instituted against the petitioner he is on bail, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Muzaffarpur in connection with Excise Case No. 157 of 2018, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 her 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

