

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2498 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- SAKRA District- Muzaffarpur

PREM LAL RAY Son of Baleshwar Ray Resident of Village - More Jagdishpur, P.S.- Maniyari, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in connection with Sakra (Bariyarpur O.P.) P.S. Case No. 374/2021 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that total 27.720 liters of foreign liquor was recovered from two parked motorcycles and the apprehended accused persons disclosed the name of the petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case due to dirty village politics. He further submits that there is no recovery from the conscious possession of the petitioner and the petitioner was not owner of the said motorcycles. The petitioner has no concern with the seized liquor and only on confessional statement of co-accused, he has been made accused in this case. The petitioner is in custody since 06.11.2021 petitioner bears no criminal antecedent. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Sakra (Bariyarpur O.P.) P.S. Case No. 374/2021, subject to following conditions:-

(i) One of the bailor shall be either father or mother



or sister or brother or wife or the person who sworn the affidavit
in bail application.

(ii) Petitioner will co-operate in trial and will
remain present on all dates and absence for two consecutive
dates would be a ground for cancellation of bail by the learned
Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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