

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3148 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- TAJPUR District- Samastipur

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RAJIV KUMAR RAY @ RAJIV RAY SON OF LATE RAGHUVVEER RAY
R/O VILLAGE- VIKRAMPUR, P.S.- TAJPUR HALAI O.P. @ TAJPUR
HALAI, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar Singh

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the

State.

Petitioner seeks regular bail in a case registered for
the offence punishable under sections 30(a), 41(2) of the Bihar
Prohibition and Excise Act.

Allegedly, this petitioner and co-accused persons were
were found unloading wine from a truck into a pickup vehicle.

The main submissions advanced by the learned
counsel for the petitioner are that two vehicles had been shown
in respect of alleged wine but the petitioner was not concerned
with the said vehicles and as per last portion of the FIR, he is
simply alleged to be standing near the said truck and he was
found to be busy with co-accused persons in unloading liquor



from truck into pickup van and except that there is no any other allegation and the said allegation is completely vague also and as per prosecution, petitioner was not arrested at the spot. Further submission is that investigation in respect of the petitioner has been completed and he has been languishing in jail since 22.11.2021 and against him, there is criminal antecedent of one case under Excise Act in which he is on bail.

Learned APP opposes the prayer for bail.

Having considered the above submissions, petitioner's custody period and nature of allegation appearing against the petitioner which is vague in respect of the petitioner with regard to alleged quantity of wine, let the petitioner 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 Additional Sessions Judge II-cum- Special Judge, Excise, Samastipur in Tajpur Halai P.S. Case @ Tajpur Halai O.P. P.S. Case No. 413 of 2021, PTN 585/2021 on 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 below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates



without sufficient reason, his/her 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) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Sarai Ranjan P.S. Case no. 210/2020 of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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