

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9904 of 2022**

Arising Out of PS. Case No.-242 Year-2021 Thana- MOHIUDDIN NAGAR District-  
Samastipur

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Anil Ray S/o Late Ram Bali Ray @ Batao Ray R/o Village - Mahmadiapur  
(Margangpar), P.S. - Mohiuddin Nagar, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dilip Kumar Roy

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

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

2      09-06-2022                      Heard learned counsel appearing on behalf of the  
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within two weeks  
of the complete start of the physical Court in normal course.

The petitioner seeks bail in connection with  
Mohiuddin Nagar P.S. Case No. 242 of 2021 registered for the  
offence under Sections 30(a) and 34 of the Bihar Prohibition  
and Excise Act, 2016.

The accused/petitioner is named in the F.I.R. and is in  
custody since 24.12.2021.

The allegation against the petitioner is that 60 liters of  
country made liquor has been recovered from the house of the  
petitioner.

Learned counsel appearing on behalf of the petitioner



submitted that nothing incriminating has been recovered from the conscious and physical possession of the petitioner as alleged house is jointly occupied. It has further been submitted that petitioner is a man of clean antecedent and further chargesheet has already been submitted in this case, as such there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that nothing incriminating has been recovered from the conscious and physical possession of the accused/petitioner.

Considering the facts and circumstances as mentioned above, as recovery has not been made from the conscious and physical possession of the petitioner coupled with the fact that petitioner is a man of clean antecedent, let the petitioner, above named, is directed to be released on bail in connection with Mohiuddin Nagar P.S. Case No. 242 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise, Samastipur, subject to the following conditions:

“(i) That accused/petitioner shall  
not involve in the similar nature of offence



till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be properly represented on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground duly supported by the documents.

(iii) That one of the bailors shall be the close relative of the accused/ petitioner like mother/father/sister/brother.”

**(Chandra Shekhar Jha, J)**

Ankit/-

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