

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13754 of 2022**

Arising Out of PS. Case No.-16 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

SURENDRA RAY @ SURENDRA RAI Son of late Suraj Ray @ Sooraj Ray
Resident of Village - Yadav Nagar, Bhagwanpur, P.s.- Sadar, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

=====

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 15-07-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Excise
P.S. Case No. 16 of 2021 registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution report, there is alleged recovery
of 131.715 litre foreign liquor from the house of the petitioner.
It is alleged that at the time of raid petitioner fled away from
there.

Learned counsel for the petitioner submits that
petitioner is in judicial custody since 21.11.2021 and bears



criminal antecedent of three cases of similar nature. Prosecution report has been submitted in the case and there is no likelihood of tampering the evidence. He further submits that the house from where so-called recovery was made is joint family property of the petitioner where the petitioner as well as other family members are living together and petitioner was not present at his house at the time of raid. Petitioner has falsely been implicated in this case. Petitioner is not apprehended on the spot.

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

Considering the facts and circumstances of the case, period of custody, prosecution report has been submitted in the case and there is no likelihood of tampering the evidence, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Sub Judge (Excise), Court No. II, Muzaffarpur in connection with Excise P.S. Case No. 16 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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)

shahzad/-

U		T	
---	--	---	--

