

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17317 of 2022

Arising Out of PS. Case No.-53 Year-2021 Thana- NADI P.S. District- Patna

SANJAY KUMAR RAY @ SANJAY RAY Son of Balkishun Ray Residnet of
Village - Fatehjangpur, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 30(a) of the Bihar Prohibition and Excise
Act.

Recovery is of 220 liters of country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case merely on the basis of suspicion. He further submits
that nothing has been recovered from the possession of the
petitioner rather the alleged recovery has been made from the
tempo in question. He further submits that neither the petitioner
has been apprehended from the spot nor he has got any concern
at all with the alleged recovery and the vehicle in question. He



further submits that similarly situated co-accused, namely, Bijendra Ray along with Jairam Ray have already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 13.05.2022 passed in Cr. Misc. No. 62298 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.12.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Court below where the case is pending in connection with Special Case No. 1995 of 2021 arising out of Nadi P.S. Case No. 53 of 2021 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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 his 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.

(Rajesh Kumar Verma, J)

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