

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19206 of 2022

Arising Out of PS. Case No.-45 Year-2019 Thana- RIGA District- Sitamarhi

SUDHI RAY S/o Jay Kishor Yadav R/o village- Bagahi, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Tapeshwar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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.

The petitioner seeks bail in connection with Riga P.S. Case No. 45/2019 registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of total 360 liters Nepali Saufi wine from Hyundai vehicle in question. The petitioner was not apprehended on the spot. Petitioner and co-accused, Sanjay Rai fled away from the place of occurrence and the local Chaukidar identified the fled away persons.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has no concern with the alleged seized wine and the said recovered vehicle in question. The name of petitioner has been sprang up in this case on the disclosure of local Chaukidar. The petitioner is languishing in custody since 30.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case as well as period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 Exclusive Special



Excise Court-I, Sitamarhi in connection with Riga P.S. Case No. 45/2019, 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)

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