

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19280 of 2022

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

SANJAY RAY @ SANJAY KUMAR YADAV Son of Jaleshwar Ray @
Jaleshwar Prasad Yadav Resident of Village - Panchhor, Ward No.- 04, P.S.-
Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Gulnar Begum

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 in virtual court proceeding.

The petitioner seeks bail in connection with Riga
P.S. Case No. 45 of 2019 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise
amendment Act.

As per prosecution case, there is alleged recovery
of 360 litres illicit liquor from the car in question. The name of
the petitioner was disclosed by the local chowkidar.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.02.2022 and bears criminal



antecedent of two cases of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner has falsely been implicated in aforesaid criminal case due to local politics and connivance of police. The petitioner was 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, the petitioner was not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence 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 Court of Exclusive Special Excise Court No. 1, Sitamarhi in connection with Riga P.S. Case No. 45 of 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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