

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20519 of 2022**

Arising Out of PS. Case No.-99 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Guddu Ray@ Guddu Kumar Ray @ Guddu Kumar, S/o Raj Kumar Ray,
Resident of Village- Baghra, P.S.- Patori (Mohanpur O.P.), District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Prasad, Advocate

For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Excise P.S. Case No. 99 of 2020 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, recovery of 44.250 litres of
illicit India made foreign liquor and 22 litres of illicit beer was
made from the house of the petitioner.

The learned counsel for the petitioner submits that



petitioner is innocent and has been falsely implicated in this case. Though, the recovery of said beer has been made from the house of the petitioner, but actually it is a joint family house. Nothing incriminating has been recovered from the conscious possession of the petitioner, who is not apprehended from the spot. The prosecution report has been submitted and the petitioner is in custody since 19.02.2022.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case and taking into consideration the submission made on behalf of the petitioner and further considering the submission of charge-sheet along with period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-02, Samastipur in connection with Excise P.S. Case No. 99 of 2020, subject to the other conditions under Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person who has



sworn the affidavit on behalf of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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