

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22431 of 2022

Arising Out of PS. Case No.-6 Year-2021 Thana- PIPRAHI District- Sheohar

Umesh Ray Son of Ramswarath Ray Resident of Village - Belwa Narkatiya,
P.s.- Piprahi, Dsitt.- Sheohar.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Hans Lal Kumar, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Piprahi P.S. Case No. 6 of 2021 for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that on a secret information the police intercepted a Tempo and on search being made total 69 litres of Nepali country made liquor was recovered. It is also alleged that one person was apprehended by



the police, however, another person succeeded in fleeing away, whose name has been disclosed by the local Chowkidar.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner. It is further submitted that except the disclosure of the name of the petitioner made by the local Chowkidar, there is no material which suggest the complicity of the petitioner in the present crime. It is also submitted that the petitioner is in custody since 30.10.2021 having fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was identified, while he was fleeing.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner and he is in custody since 30.10.2021 having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of



learned Additional Sessions Judge-II-cum-Special Judge (Excise), Sheohar in connection with Piprahi P.S. Case No. 6 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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