

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23013 of 2022

Arising Out of PS. Case No.-149 Year-2019 Thana- HATHAURI District- Muzaffarpur

Ganesh Rai S/O Sri Ram Sagar Ray Resident Of Village- Mahuli, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-07-2022 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
Hathuri P.S. Case No. 149 of 2019 registered for the offences
punishable under Sections 272, 273, 414 of the Indian Penal
Code and Sections 30(a), 38(i), 41 of the Bihar Prohibition and
Excise Act.

As per prosecution case, there is alleged recovery
of 167.76 litre foreign liquor from Scorpio in question and
petitioner along with other co-accused fled away from the spot.
Spy has showed his indulgence in this case.

Learned counsel for the petitioner submits that



petitioner is in custody since 13.02.2022 criminal antecedent of one case of similar nature in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that nothing has been recovered from the conscious possession of the petitioner. It has been further submitted that neither petitioner was apprehended on spot nor he has any concern with the seized Scorpio in question. Seizure list has not been made as per law. He has been made accused in this case only on suspicion.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration that petitioner was not apprehended on spot and 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 Special Judge Excise Court No.- 1, Muzaffarpur in connection with Hathuri P.S. Case



No. 149 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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