

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22711 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- MALSALAMI District- Patna

VIJAY RAY S/o Nandi Rai Resident of Village - Sharifaganj, P.S. -
Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad
For the Opposite Party/s : Mrs.Sangeeta Sharma

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 through virtual mode.

The petitioner seeks bail in connection with Special
Case No.6761/2021 arising out of Malsalami P.S. Case No.
501/2021 registered for the offences punishable under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

As per prosecution case, there is alleged recovery of
total 270 liters Mahua wine from two Auto vehicles in question.
Petitioner and others fled away from the place of occurrence.

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. Petitioner has neither concerned with the alleged seized liquor nor alleged seized vehicles in question. Nothing has been recovered from the conscious possession of the petitioner. He further submits that on the basis of criminal antecedent of the petitioner, he has been implicated in the present case. The petitioner is languishing in custody since 13.03.2022 and bears criminal antecedent of 08 cases of similar nature. 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 opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Special Case No.6761/2021 arising out of Malsalami P.S. Case No. 501/2021, 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

