

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23572 of 2022

Arising Out of PS. Case No.-154 Year-2020 Thana- KHAJEKALA District- Patna

SHAMBHU RAY Son of Murti Ray @ Ram Murti Ray Resident of Village -
Diwan, Naujarghat, P.S.- Khajekallan, Distt.- Patna. (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Supriya Rani

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2022 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.

The petitioner seeks bail in connection with
Special Case No. 3543 of 2020 arising out of Khajekallan P.S.
Case No. 154/2020 registered for the offence punishable under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

As per prosecution case, the informant got secret
information that petitioner and co-accused Ram Lagan Nishad
have been concealing country made mahua liquor at Naujar
Ghat bushes and informant along with team reached there and
after seeing the police party petitioner and co-accused fled



away. As per seizure list, 200 litre country made wine was recovered from the said place.

Learned counsel for the petitioner submits that petitioner is in custody since 20.11.2021 and bears no criminal antecedent. He further submits that nothing has been recovered from possession of the petitioner. Petitioner has no concern either with the alleged land or the said wine. He further submits that allegation against the petitioner is totally false.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner 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 Special Judge, Excise, Patna City in connection with Special Case No. 3543 of 2020 arising out of Khajekallan P.S. Case No. 154/2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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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