

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26685 of 2022**

Arising Out of PS. Case No.-53 Year-2020 Thana- BIDUPUR District- Vaishali

Ramesh Kumar Son Of Ravindra Rai R/O- Village- Mahua Singh Ray, P.S.-
Mahua , Dist- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-08-2022 Heard learned counsel for the petitioner and
learned APP for the State in Virtual Court Proceeding.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioner is in custody in connection with
Bidupur P.S. Case No. 53 of 2020 under sections 30(a) of
Bihar Prohibition and Excise Act.

The prosecution case, in brief, is that the
informant proceeded along with police party for patrolling
and in that course he received confidential information that
illegal country made liquor is being transported over a
while colour Vikram Tempo bearing no. BR-31P-3485 via



mahnar-Hajipur main road. Upon the said information, the informant proceeded towards the place and observed that a tempo was coming from the opposite direction. On seeing the police, the driver of the tempo tried to ran away but was apprehended. Upon search, 140 liters of country made liquor was recovered/seized from beneath the rear seat of the said vehicle and seizure list was prepared accordingly.

Learned counsel for the petitioner submits that the alleged recovery of 140 liters of country made liquor from the rear seat of the vehicle cannot be attributed to him simply because of the fact that he has already sold the said vehicle to one Indrajeet Kumar Ray in the year 2019 on 23.11.2019. He has brought attention to the Court to Annexure-2 series which shows swearing the affidavit as also the affidavit of the said Indrajeet Kumar Ray to show that the vehicle was actually sold to the said person. He submits that for the said alleged recovery he has been falsely implicated simply because of the fact buyer failed to get his name registered before the DTO.

Considering the aforesaid fact that tempo from which the alleged recovery was made was sold to one Indrajeet Kumar Ray by the petitioner herein coupled with



the fact that he is in custody since 27.2.2022 (as stated in para-12 of the bail application as also charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Exclusive Special Excise Court No.1- cum- Additional District & Sessions Judge, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 53 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing



any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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