

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27741 of 2022

Arising Out of PS. Case No.-206 Year-2021 Thana- MOHIUDDIN NAGAR District-
Samastipur

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RAVI SHANKAR RAY @ BHAGERAN @ RAVI SHANKAR KUMAR RAI
Son of Upendra Ray Resident of Village Chapra Dakshini Dumari, P.S.-
Patory (Mohanpur O.P.), District - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gaurav Kumar

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-08-2022 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
Mohiuddin Nagar P.S. Case No. 206 of 2021 registered for the
offences punishable under Section 30(a)/34 of Bihar prohibition
and Excise Act 2016.

As per prosecution case, there is alleged recovery
of 300 liters of country made Mahua liquor from auto in
question. Petitioner is said to have fled away from spot.

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 and nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged seized vehicle. The petitioner was remanded in this case on 11.04.2022. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Seizure list has not been prepared as per law.

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, petitioner is not apprehended on the spot and also taking into consideration the material available on record, let the petitioner above named be released on bail 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. 2 Samastipur in connection with Mohiuddin Nagar P.S. Case No. 206 of 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.

(Alok Kumar Pandey, J)

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