

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40362 of 2021**

Arising Out of PS. Case No.-203 Year-2020 Thana- UJIYARPUR District- Samastipur

Hareram Ray @ Hareram Rai Son of Ram Chhabila Ray @ Chhabila Rai
Resident of Village- Pachpaika, P.S.- Ujiyarpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 07-01-2022 Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and the learned APP for the State.

Petitioner who is in custody since 15.6.2021 seeks
regular bail in connection with Ujiyarpur P.S. Case No. 203 of
2020 registered for the offence punishable under section
30(a)/41(2)(1) of Bihar Prohibition and Excise Act, 2016.

Prosecution case in brief is that 54 liters of illicit
liquor of different brands was recovered from an abandoned car
bearing registration no.BR1AD-8365.

Learned counsel for the petitioner submits that though
he has been made accused under section 30(a)/32(2) of the
Bihar Excise Amendment Act with respect to Ujiyarpur P.S.
Case No. 112 of 2019 the petitioner has been falsely implicated



in the present case due to dirty village politics. He further submits that no narcotic articles was recovered from the conscious possession of the petitioner rather the same was recovered from the vehicle parked near the Kali Sthan and there is every likelihood that the petitioner has been illegally roped in the present case by showing recovery of 54 liters of illicit liquor from the dicky of his car. He further submits that seizure list was not prepared in his presence neither the same was handed over to him, even though the police officer was well aware of the registration of the said vehicle belonging to the petitioner which could have been detected from the concerned District Transport Officer or on the mobile app of the raiding team.

Learned counsel appearing on behalf of the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 200,000/- (Two lakh) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Special Judge (Excise), Samastipur, in connection with Ujiyarpur P.S. Case No. 203 of 2020 subject to the following conditions:-

- (1) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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