

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30141 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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Vijay Kumar Ray @ Vijay Ray S/O Anandi Ray @ Nandi Ray Resident of
village- Jafrabad Sukumarpur, P.S.- Raghapur, District - Vaishali. At present
Village - Sharifganj, P.S. - Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Special Case No. 1103 of 2022 arising out
of P.R Agamkuan P.S. Case No. 48 of 2022 for the offences
punishable under Sections 30(a) of the Bihar Excise
(Prohibition) Amendment Act, 2016.

As per the prosecution case, it is alleged that the
police on a secret information raided in new block area,
Kumharar and on search 2000 liters illicit liquor kept in



sand was recovered. It is also alleged that local people have disclosed the name of the petitioner as owner of the illicit liquor.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner. Save and except the disclosure made by the local people, there is no material suggesting the complicity of the petitioner in the present crime. It is also submitted that petitioner has neither any concern with the alleged liquor nor the place, from where recovery has been made belongs to the petitioner and moreover, the alleged recovery has been made from public place accessible to all.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has multiple criminal antecedent.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from persons or possession. Moreover,



the alleged recovery has been made from public place accessible to all and petitioner is in custody since 27.04.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with P.R Agamkuan P.S.Case No. 48 of 2022 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is



found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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