

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43979 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- TAJPUR District- Samastipur

KARU RAY, S/o- Darveshwar Ray @ Darbeshwar Ray, R/o Village-
Bikrampur, P.S.- Tajpur (Halai), District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Heard learned counsel for the petitioner and Mr.
Rajendra Prasad Nut, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Tajpur (Halai O.P.) P.S. Case No. 101 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He is in custody since 22.04.2021 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant, who was on patrolling duty, received a secret information that petitioner has kept the prohibited liquor in the banana orchard of one Vinod Ray, thereafter he reached on that place and on seeing police party the petitioner fled away by dropping his mobile. The informant further alleged that on search total 30.900 liters of illicit liquor were recovered from the agricultural land.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the illicit liquors, which has been seized by police, were found in a field which is an agricultural land. The petitioner is a resident of another village and has been made accused on the ground that his mobile phone was found near the alleged place of seizure.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submissions that 30 liters of liquor which has been seized by police were found in a field which is an agricultural land but does not belong to this petitioner, the petitioner is a resident of another village and has been made accused on the ground that his mobile phone was found near the alleged place of seizure, the petitioner has got two criminal antecedents and in the present case he is in custody since 22.04.2021, investigation against him is complete and his presence may be secured in course of trial, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise,



Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 101 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that 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 cancellation 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.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

U		T	
---	--	---	--

