

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37021 of 2022

Arising Out of PS. Case No.-66 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Ravindra Kumar Ray, S/O Pitamber Ray, Resident of Village- Mau
Akharaghat Ward No. 11, P.S.- Vidyapati Nagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate
For the Opposite Party/s : Mr.Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Excise Case No. 66 of 2021, registered for the
alleged offences under Section 30 (a) of the Bihar Prohibition
and Excise Act.

As per prosecution case, on the basis of secret
information, a raid was conducted on the house of the petitioner
and total 125 liters of illicit country made liquor was recovered
from the courtyard of this petitioner. The petitioner was



successful in escaping from the spot.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the recovery allegedly made from the courtyard which in fact is the outer portion of the house. The prosecution report has been filed and the petitioner is in custody since 01.06.2022.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in two such cases as well.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not arrested from the spot and no recovery has been shown from him and further considering the submission of prosecution report and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.2, Samastipur, in connection with Excise Case No. 66 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal



Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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