

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46115 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- NARAINPUR District- Bhojpur

Sudhir Ray @ Sudhir Kumar Ray S/O Late Ram Chandra Ray R/O Village-
Chasi, P.S.- Narayanpur, District- Bhojpur, At Present Resident Of Near
Mahindra Show Room, Chandwa, P.S.- Ara Nawada, District- Bhojpur

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-03-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Meena Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Excise Case No. 1528 of 2020 arising out of Narayanpur P.S. Case No. 96 of 2020 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise Act. He has remained in custody since 30.06.2021 and has two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, the informant who is the A.S.I. of Police posted in Narayanpur Police Station got secret information regarding loading of cartons of illicit liquor and selling the same by



Sudhir Ray and Manish Rai @ Pranav Vishal with his associates in village Chasi. The informant reached there with police force where on seeing the police the persons involved in loading the cartons started fleeing but on chase one of them was apprehended and two managed to escape. The apprehended person disclosed his name as Rishi Kumar Rai and he stated that Sudhir Rai and Manish @ Pranav Vishal managed to escape. On search of vehicles Zest Car bearing registration no. BR03AB-5974 and Sonalica Tractor bearing Engine No. 3100EL173E640565F3, altogether 180 liters of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of apprehended co-accused Rishi Kumar Rai who has already been granted bail in Cr. Misc. No. 3357 of 2021. The petitioner is in custody since 30.06.2021.

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

Having regard to the submissions that the name of the petitioner has transpired as one who was allegedly fleeing away from the spot with the co-accused Manish Rai @ Pranav Vishal and the co-accused namely Rishi Kumar Rai who was apprehended on the spot has been granted bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 3357 of 2021, so far



as this petitioner is concerned, he has got two criminal antecedents and in both the cases he is said to be on bail, in the present case the petitioner is in custody since 30.06.2021, 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 4th Additional Sessions Judge-cum-Special Judge, Excise, Bhojpur, Ara in connection with Excise Case No. 1528 of 2020 arising out of Narayanpur P.S. Case No. 96 of 2020, 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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

