

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37457 of 2022

Arising Out of PS. Case No.-122 Year-2022 Thana- PHULPARAS District- Madhubani

Hira Ray @ Hira Lal Ray, S/o Nagehswar Ray, Resident of village- Siswar,
P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Girish Chandra Jha, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Phulparas P.S. Case No. 122 of 2022 registered for the offence punishable under Section 30(a) Bihar Prohibition & Excise Act.

It is alleged that the police on a secret information intercepted a truck and apprehended co-accused Sandip Ray. On search, 1800 litres of illicit liquor was recovered from the said truck. The apprehended co-accused Sandip Ray disclosed the



name of the petitioner and other associates. On the disclosure made by co-accused, the house of the petitioner was raided and 5.250 litres of illicit liquor was recovered.

Learned Counsel for the petitioner submits that the alleged recovery has been made from a joint family house, where several persons reside and only because of the past criminal antecedent, his name has been implicated in this case. He next submits that the petitioner is in custody since 30.05.2022 and, moreover, the petitioner has neither any concern with the truck nor with co-accused Sandip Ray. He further submits that co-accused Sandip Ray has already been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 31625 of 2022 vide order dated 26.08.2022.

On the other hand, learned counsel for the State opposes the bail application. and submits that the petitioner is found involvement in three other criminal cases.

Having regard to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a joint residential house of the petitioner and the petitioner is in custody since 30.05.2022, apart from the fact that the investigation of the crime is already completed and charge sheet has been submitted, let the petitioner, named



above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 122 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this



purpose or in the name of verification.

uday/- **(Harish Kumar, J)**

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