

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38887 of 2022

Arising Out of PS. Case No.-143 Year-2021 Thana- RAGHOPUR District- Vaishali

Suhag Ray S/O Late Shyam Bahadur Ray Resident Of Village- Litiyahi, P.S.-
Raghopur (Rustampur- Op), District- Vaishali At Hajipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate.

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard Mr. Anish Chandra, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in connection with Raghopur P. S. Case No. 143 of 2021 for the offences punishable under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

The allegation against the petitioner to be engaged in selling illicit liquor. It is further alleged that the police



intercepted a truck and on search, total 3,710.250 liters Indian made foreign liquor was recovered and on noticing the police party co-accused persons succeeded in fleeing away. However, local Choukidar identified the accused persons including the petitioner.

Learned counsel for the petitioner submits that from the FIR, it is evident that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his conscious and constructive possession and only because of his past criminal antecedent the name of the petitioner has been implicated in various other cases, which shows the highhandedness of the police. It is next submitted that the petitioner has no concern with the illicit wine and save and except the disclosure made by the Choukidar, there is no other material suggesting the complicity of the petitioner in the present crime. It is further submitted that other co-accused persons having identical allegation have already been granted bail by different Benches of this court and the petitioner is in custody since 07.04.2022.

On the other hand, learned counsel for the State



opposed the bail application and submits that petitioner has multiple criminal antecedent.

Regard being had to the submission of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from persons or possession and he is in custody since 07.04.2022 and moreover, other co-accused persons having identical allegation have already been granted bail by different Benches of this court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court Ii cum Additional District and Sessions Judge, Vaishali at Hajipur in connection with Raghobur P. S. Case No. 143 of 2021, 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)

N.K/-

U			
---	--	--	--

