

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39410 of 2022**

Arising Out of PS. Case No.-328 Year-2020 Thana- AHYAPUR District- Muzaffarpur

RAJESH RAY @ BHADAI RAY Son of Jeewan Ray resident of Village -
Mahpur, Bishunpur, P.S.- Bochahan, Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mrs.Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 23-08-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 328 of 2020 registered for the offences
punishable under Sections 272, 273 of the I.P.C. and Sections
30(a), 36 of the Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery
of 2680.560 litre illicit liquor from the truck in question and
driver of the truck, namely, Md. Sharik was apprehended on the
spot and disclosed the name of the petitioner and others who
fled away from the place of occurrence.

Learned counsel for the petitioner submits that



petitioner is in custody since 31.05.2022 and bears criminal antecedent of one case of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from possession of the petitioner or from his house. Seized truck does not belong to the petitioner. Petitioner is not apprehended on the spot.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. 1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 328 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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