

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49294 of 2021**

Arising Out of PS. Case No.-11 Year-2021 Thana- AWTARNAGAR District- Saran

Vijendra Ray @ Bijendra Ray, Son of Inar Rai @ Ina Rai, Resident of Village
- Balua, P.S.- Doriganj and District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiv Shankar Prasad Yadav, Advocate
For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 22-01-2022 The application is given out of turn hearing on the basis of documents showing that wife of the applicant is suffering from Jaundice.

The applicant/accused in Crime No. 11 of 2021 registered with Awatar Nagar Police Station for the offences punishable under Sections 30 and 30(a) of the Bihar Excise and Prohibition Act, 2016, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the liquor was not seized from possession of the applicant.

As against this, the learned Additional Public Prosecutor contended that from possession of the applicant Mahua liquor of 140 litres quantity came to be seized.



The investigation of the crime is over. The case of the prosecution is to the effect that the police attempted to intervene a motorcycle carrying the liquor. However riders of the motorcycle ran away. That motorcycle was found to be used for transporting 140 litres of Mahua liquor.

As the investigation of the crime in question is over, I see no reason to refuse the bail to the applicant. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 11 of 2021 registered with Awatar Nagar Police Station for the offences punishable under Sections 30 and 30(a) of the Bihar Excise and Prohibition Act, 2016 be released on bail on executing P.R. bond of Rs.15,000/- (Rupees Fifteen Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.



(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Bhardwaj/-

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