

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40662 of 2022

Arising Out of PS. Case No.-496 Year-2021 Thana- MALSALAMI District- Patna

RAMKARAN @ RAMKARAN RAY Son of Pannu Ray Resident of Village -
Sarifagant, P.S.- Malsalami, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-09-2022 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
Malsalami P.S. Case No. 496/2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, there is alleged recovery of
total 900 liters Mahua wine from Pick-up Van in question.
Apprehended co-accused, Dhannu Rai disclosed the name of
petitioner and others who fled away from the place of
occurrence.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case merely on suspicion. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner is neither owner nor driver of the seized pick-up van in question. The petitioner has no concern with the seized liquor. The petitioner is languishing in custody since 17.06.2022 and bears no criminal antecedent. Co-accused, Dhannu Rai has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.3333/2022 and the case of present petitioner stands on better footing.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Special Judge, Excise, Patna City in connection with Malsalami P.S. Case No. 496/2021, 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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