

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41937 of 2022

Arising Out of PS. Case No.-278 Year-2020 Thana- DESARI District- Vaishali

PANKAJ RAY Son of Sri Karu Ray Resident of Village - Naya Ganj, 28 Tola,
Police Station- Desari, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Bihari Singh

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 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 Desari
P.S. Case No. 278 of 2020 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 100 litre country made liquor kept by the side of P.C.C. road
and the local people disclosed the name of petitioner and others
who were indulged in the business of illicit liquor.

Learned counsel for the petitioner submits that
petitioner is in custody since 07.06.2022 and bears criminal



antecedent of two cases of similar nature. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from possession of the petitioner and the alleged recovery has been made from the side of PCC road. He further submits that co-accused Ravi Ray has been granted bail by the co-ordinate Bench of this Court Vide Cr. Misc. No. 41576 of 2022 and the case of present petitioner stands on similar footing.

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 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 Prohibition and Excise Court (1st)-cum Additional Sessions Judge, Hazipur, Vaishali in connection with Desari P.S. Case No. 278 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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