

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43322 of 2022**

Arising Out of PS. Case No.-859 Year-2020 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

BIKKY RAY @ VIKKY ROY Son of Meghnath Ray Resident of village -
Madhopur, P.S.- Maniyari, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Mr.Nityanand

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

2 29-08-2022 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
Muzaffarpur Town P.S. Case No. 859 of 2020, G.R. No. 1751 of
2020 dated 29.12.2020 registered for the offences punishable
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery
of 210.705 litres foreign liquor from the house of the
apprehended co-accused Rahul Kumar who disclosed that
present petitioner Bikkay Ray used to supply him liquor for its



delivery to customers.

Learned counsel for the petitioner submits that petitioner is in custody since 05.06.2022 and bears no criminal antecedent. Learned counsel further submits that petitioner has no concern with the seized liquor and he was not apprehended on spot. It is further submitted that co-accused Rahul Kumar against whom recovery is made has already been granted bail vide Cr. Misc. No. 24087 of 2021 and the case of present petitioner stands on better 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, the petitioner was not apprehended on spot, keeping in view clean antecedent of petitioner, 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 Special Judge Excise Court No. 1, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 859 of 2020, G.R. No. 1751 of 2020 dated 29.12.2020, 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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