

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56666 of 2021

Arising Out of PS. Case No.-127 Year-2021 Thana- JANDAHA District- Vaishali

ANIL RAY S/o Harendra Ray R/o Village- Dubha Sahdai Bujurg, P.S.-
Sahdai, O.P. (Desri), District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra, Adv

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 420,465,467,468,471,120B of the Indian Penal Code and Sections 30(A),36,41(1) of Bihar Excise Amendment Act, 2018.

Recovery is of 5687.280 liters of Indian and Foreign liquor.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case only on the basis of suspicion. He further submits that the



petitioner was not arrested on the spot and nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the Truck in question. Name of the petitioner has come on the basis of information given by the Spy. He further submits that co-accused, namely, Ram Krishna Yadav and Rajesh Kumar, who was driver and cleaner of the Truck in question, have been granted bail vide order dated 04.02.2022 in Cr. Misc. No.58398 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jandaha P.S. Case No.127 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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