

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46830 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- BARH District- Patna

Binod Ray @ Vinod Ray S/o Late Ramji Ray R/o village- Pachhiyari Malahi,
P.S.- Barh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ashok Kumar Kashyap, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Barh P.S. Case No. 321 of 2022 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

On a confidential information with regard to manufacturing of country made liquor and selling of the same at Ganga Diyara Area, the police conducted raid and apprehended two persons. The apprehended persons disclosed the name of his associates, including the petitioner. On search, total 520 litres of



of country made liquor and one Iron machine for packing the wine was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover the alleged recovery has been made from Ganga Diyara, which is an open place, accessible to all. He further submits that only because of past criminal antecedent of the petitioner, in six other cases of identical nature, his name is being continuously roped up in various cases, including the present one, though the petitioner has neither any concern with the recovered country made liquor nor with the packing machine. He next submits that save and except the confessional statement, there is no material suggesting the involvement of the petitioner in the present crime and he is in custody since 23.06.2022, though the investigation of the crime is complete and charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is found involved in six other criminal cases, similar in nature.

Regard being had to the submissions made on behalf



of the parties and considering the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the confessional statement, there is no material and moreover the criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period in absence of any cogent material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh, Patna, in connection with Barh P.S. Case No. 321 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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