

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47576 of 2022

Arising Out of PS. Case No.-147 Year-2019 Thana- BAKHTIYARPUR District- Patna

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Pramod Ray, S/o Nawal Ray, R/o village- Dedaur, P.S.- Bakhtiyarpur,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Bakhtiyarpur P.S. Case No. 147 of 2019
registered for the alleged offences under Sections 328 and
120(b) of the Indian Penal Code and Sections 30(a), 30(C) and
30(d) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, recovery of total 275 litres
country made liquor was made along with raw materials which
were destroyed after seizure. The name of the petitioner
transpired in the statement of the *chowkidar* who identified the
petitioner and other co-accused persons, who fled away from the



spot.

The learned counsel for the petitioner submits that petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been falsely implicated in this case only on the basis of identification of the *chowkidar*. The petitioner is in custody since 29.07.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him and considering the period of his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Barh in connection with Bakhtiyarpur P.S. Case No. 147 of 2019, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of



the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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