

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47334 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- SARAI RANJAN District- Samastipur

Manjay Ray @ Manjay Lal Yadav S/O Munnilal Ray Resident of village-
Shitalpatti, P.S.- Sarairanjan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-10-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Dilip Kumar Roy, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Sarairanjan P.S. Case No. 44 of 2022 for
the offences punishable under Sections 30(a), of the Bihar
Prohibition & Excise Amendment Act.

The allegation against the petitioner is to be engaged
in trafficking of illicit wine, the police conducted raid and
seized a truck and pick-up-van. It is further alleged that on
noticing the police party, the accused persons including the



petitioner succeeded in fleeing away, who were identified by the local chawkidar and on search total 735.316 liters Indian made foreign liquor was recovered from both the vehicles.

Learned counsel appearing on behalf of the petitioner submits that in fact the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, however only on account of the fact that the petitioner had past criminal antecedent, his name has been implicated in this case. Save and except the disclosure made by the local chawkidar, there is no material He next submits that the petitioner has neither any concern with the vehicles nor the illicit wine. He also submits that there is no compliance of section 100(4) of the Cr. P.C apart from defiance of section 81 and 82 of the Bihar Prohibition & Excise Act. He last submits that the petitioner himself surrendered before the court below on 22.06.2022 and now the investigation of the crime is complete and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner has



found involved in five other criminal cases of identical nature.

Regard being had to the submission made on behalf of the parties and considering the fact that petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the investigation of the crime is complete and the charge sheet has been submitted. Further the criminal antecedent of person cannot be sole ground to keep him behind the bar for indefinite period in absence of any cogent material, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Samastipur in connection with Sarairanjan P.S. Case No. 44 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 step for cancelling 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.

(Harish Kumar, J)

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