

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49086 of 2022

Arising Out of PS. Case No.-339 Year-2022 Thana- MAHUA District- Vaishali

AKHILESH KUMAR RAY S/o- Ramishwar Rai Resident of village - Mahua
Singh Rai, P.S.- Mahua, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratima Kumari

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Mahua
P.S. Case No. 339 of 2022 registered for the offences punishable
under Sections, 272, 273/34 of the Indian Penal Code and 30(a)
of the Bihar Prohibition and Excise Act.

As per prosecution case, police got secret
information to this extent that petitioner and others have brought
foreign liquor from a pick up van and on the basis of said
information police recovered 1134 litre foreign wine from the
pick up van in question and driver of the said pick up van is
alleged to have fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is in custody since 24.06.2022 and bears criminal antecedent of two cases of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioner rather recovery was made from pickup van in question and petitioner is neither owner nor driver of the said pickup van. He has no concern with alleged recovered liquor and pickup van in question. He also submits that petitioner is not apprehended on spot.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, arguments advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court, Vaishali at Hajipur in connection with Mahua P.S. Case No. 339 of 2022, 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)

vashudha/-

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