

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49076 of 2022**

Arising Out of PS. Case No.-273 Year-2019 Thana- MALSALAMI District- Patna

RAJBALLABH RAY @ RAJBALLAM RAY Son of Late Hemlal Ray A/P  
R/o - Adarakh Ghat (Adara Ghat), P.S. - Malsalami, Dist.- Patna. Permanent  
R/O Vill.- Sukumarpur, P.S.- Raghapur, Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nityanand Kumar

For the Opposite Party/s : Mr.APP

**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 Malsalami P.S. Case No. 273 of 2019 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of 28 litre country made Mahua wine from the house of the petitioner and petitioner is alleged to have fled away from there.

Learned counsel for the petitioner submits that petitioner is in custody since 20.07.2022 and bears criminal



antecedent of one case of similar nature. Learned counsel specifically submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is old person aged about 72 years and the recovered wine do not belong to petitioner. He further submits that house of petitioner is joint house and other family members also reside in the same house. Basically nothing has been recovered from the conscious possession of the petitioner. Petitioner is not apprehended on spot. Petitioner is quite innocent and has been falsely implicated in the case due to village politics.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise, Patna City, Dist.- Patna in connection with Malsalami P.S. Case No. 273 of 2019 , 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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