

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62050 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- MAHUA District- Vaishali

Shivmangal Ray, aged about 35 years, male, S/O Ramji Ray, R/O Village-
Manpur, P.S-Mahua, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Adv.

For the State : Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

The petitioner seeks bail in *Mahua PS Case No. 79* of
2020, instituted for the offence punishable under Sections 30(a),
32(ii), 34(ii), 38(ii), 41(i) of the Bihar Prohibition and Excise
Act, 2018.

One co-accused *Chandan Kumar* was arrested along with
truck from where there is a recovery of 3603.060 liters illicit
liquor. Upon his statement, the petitioner and co-accused
Raghvendra Kumar have been made accused.



Petitioner's counsel submits that he has no concern with the recovered illicit liquor. There is no recovery from his possession even as per the prosecution case and he has remained in custody since 11.07.2021. In respect of the four criminal antecedents, disclosed in paragraph No.3, he submits that he has been implicated in these cases upon his arrest in the present case and that prior to the instant case, there was no criminal antecedents.

The learned APP for the State has opposed the prayer for bail.

Considering the above noted submissions, period of custody and the fact that his implication is on the basis of statement of co-accused, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned *Additional Sessions Judge-II-cum- Excise Court, Vaishali at Hajipur*, in connection with Mahua P. S. Case No. 79 of 2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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