

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53532 of 2022

Arising Out of PS. Case No.-244 Year-2022 Thana- AHIYAPUR District- Muzaffarpur

Nandu Ray @ Nandu Kumar Rai Son of Raghunath Ray, R/V- Patiyasa
Mirzapur, P.S- Ahiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratneshwar Prasad, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

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

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Ahiyapur P.S. Case No. 244 of 2022 lodged under Sections 272,
273, 34 of the I.P.C. read with Sections 30(a), 36 of Bihar
Prohibition and Excise Act.

As per prosecution case, the total recovery of 169.920
liters of foreign liquor has been made in this case.

Learned counsel for the petitioner submits that from
the contents of F.I.R. it transpires that, said recovery was made
under under a bridge. He further submits that the name of
petitioner has figured in this case by virtue of secret information

available to the Police. He further submits that there is one criminal antecedent of petitioner in which he is on bail. He also submits that petitioner is in custody since 02.06.2022 and charge sheet has already been filed in this case.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Excise, Court No.1, Muzaffarpur in connection with Ahiyapur P.S. Case No. 244 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

ravishankar/-

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