

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53404 of 2022

Arising Out of PS. Case No.-320 Year-2022 Thana- PATORI District- Samastipur

Rajesh Ray @ Rajesh Kumar Ray Son of Madan Ray Resident of Village -
Sultanpur Chhaurahi, P.S.- Patori Nagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad, Advocate
For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Patroi P.S. Case No. 320 of 2022 registered for
the alleged offences under Section 30 (A) of the Bihar
Prohibition Act and Excise Act.

As per prosecution case, the petitioner was riding a
motorcycle and lost control of it on seeing the police party and
fell down with his motorcycle. On suspicion, a search was made
and from the bag tied with the motorcycle 40 litres of illicit
country made liquor was recovered. The petitioner was
apprehend from the spot.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is arrested merely on suspicion. Nothing incriminating has been recovered from the conscious possession of this petitioner. It is clear from the FIR that the petitioner was found lying near the motorcycle and a plastic bag was also found near the said place. So it cannot be said that the recovery was made from the possession of this petitioner. The petitioner is the owner of the motorcycle in question but he has no concern with the seized liquor. The petitioner is in custody since 07.08.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-2, Samastipur in connection with Patroi P.S. Case No. 320 of 2022 , subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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