

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54124 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- SALIMPUR District- Patna

SADHU RAY @ RAGHUNATH RAY S/o Banwari Ray Resident of Village-
Jagdishpur, P.S.- Raghobpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap
For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 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 through virtual mode.

The petitioner seeks bail in connection with Salimpur
P.S. Case No. 169/2019 registered for the offences punishable
under Sections 30(a), 31(1) (2), 38(1) (2) (3), 41(1) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 5328 liters foreign liquor from truck in question.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case merely on suspicion. The petitioner is not named in the
FIR. The name of petitioner transpired in this case on the basis



of confessional statement of co-accused, Lukesh Ray @ Chandan and Uday Ray. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 19.07.2022 and bears criminal antecedent of two cases of similar nature. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. FIR named co-accused, Prince Rai @ Prince and Kapil Rai have been granted bail by the co-ordinate Benches of this Court vide Cr. Misc. No.36600/2020 and Cr. Misc. No.39257/2020 and the case of present petitioner stands on better footing.

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 named in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Barh, Patna in



connection with Salimpur P.S. Case No. 169/2019, 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)

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