

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54169 of 2022

Arising Out of PS. Case No.-110 Year-2021 Thana- BARH District- Patna

Vinod Ray, Son of Late Ramjee Ray, Resident of Village - Pachhiyari Malahi,
P.S.- Barh, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Kashyap, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Barh P.S. Case No. 110 of 2021 registered for
the alleged offences under Section 30 (a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, recovery of 274 litres of
country made *mahua* liquor was made from the cow shed and
the e-rickshaw of the co-accused Nitish Ray. The petitioner was
named along with other co-accused persons by the villagers as
the persons who fled away from the spot.

Learned counsel for the petitioner submits that the



petitioner is innocent and was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession and the recovery has been made from the possession of co-accused Nitish Ray. The petitioner has been named in this case by the people who are on inimical terms with this petitioner and he has been roped in this case merely on suspicion. The petitioner is in custody since 22.06.2022 and charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and further considering the period of custody of the petitioner along with the submission of charge sheet, he 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 Court of Special Judge Excise, Barh, Patna in connection with Barh P.S. Case No. 110 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be



accepted only after framing of charge, if not already framed.

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

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

(iv) 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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