

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55524 of 2022

Arising Out of PS. Case No.-50 Year-2021 Thana- MINAPUR District- Muzaffarpur

Vijay Ray @ Vijay Kumar Son of Vishwanath Ray R/V- Turki Purani Gharari,
P.S- Minapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-12-2022 Learned counsel for the petitioner submits that due to inadvertence, the date of custody has wrongly been typed in the Paragraph 9 of the petition. Learned counsel seeks permission to correct the same in course of the day.

Permission is hereby granted to correct the defect in course of the day.

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.

The petitioner seeks regular bail in connection with Minapur P.S. Case No. 50 of 2021 lodged under Sections 272, 273, 414 and 34 of the I.P.C. read with Sections 30(a) and 33 of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, total recovery of 82.62 liter wine in which 35 liter of spirit and 42.37 liter of liquor has been made, which is subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He also submits that the said recovery was made from the joint house of petitioner and his brother Sanjay Ray. Learned counsel further submits that the said Sanjay Ray has already been granted bail by the Co-ordinate Bench of this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 13176 of 2022. He also submits that antecedent of the petitioner is clean and he is in custody since 29.07.2022.

Learned A.P.P. 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, Excise Court No-1, Muzaffarpur in connection with Minapur P.S. Case No. 50 of 2021, 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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