

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69289 of 2021

Arising Out of PS. Case No.-635 Year-2021 Thana- BARHARA District- Bhojpur

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BABAN RAY S/o- Manik Chandra Ray Residence of Village- Babura, P.S.-
Badhara, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 No one appears on behalf of the petitioner.

Mr. Parmanand Kumar, learned APP for the State is
present.

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

The petitioner is in custody in connection with
Badhara P.S. Case No. 635 of 2021 registered under Section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

As per the allegation, the police upon secret informant
raided the house of the petitioner wherein its 'Gaushala' (cow-
shed) an auto was parked and altogether 190 liters liquor was
recovered/seized. The petitioner who tried to escape was
apprehended and he is in jail since then.



As per the bail application, the petitioner is neither the driver nor the owner of the vehicle and it has further been averred that in the said petition, the police only to falsely implicate him has shown this seizure. As per the bail application, he is in jail since 09.11.2021 and has clean antecedent.

Considering the aforesaid facts that the charge sheet stands submitted, the petitioner has clean antecedent and he is in jail since 09.11.2021, this Court is inclined to grant him the privilege of bail. However if it is found that that the petitioner do have criminal antecedent, his bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Bhojpur at Ara in connection with Badhara P.S. Case No. 635 of 2021, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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