

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69969 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

1. AJAY RAY @ RADHEY RADHEY Son of Dharrikshan Ray Resident of Village Dharampur, P.S. - Minapur, District - Muzaffarpur.
2. Vijay Ray Son of Dharrikshan Ray Resident of Village Dharampur, P.S. - Minapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State in virtual court proceeding.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in connection with Ahiyapur P.S. Case No. 60 of 2021 registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 34 of the IPC and Section 30(a), 36, 41 of Bihar Prohibition and Excise Act.

There is recovery of 1782.160 litres of illicit foreign liquor from the truck and three other vehicles.



Learned counsel for the petitioners submits that petitioners have falsely been implicated in the present case only on the basis of confessional statement of co-accused Ajay Kumar. He further submits that it appears from the FIR that nothing has been recovered from conscious possession of the petitioners rather the recovery has been made from the truck and three other vehicles in question. He further submits that co-accused Sumant Kumar Mishra has been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 25.10.2021 passed in Cr. Misc. No. 42168 of 2021. Similarly, co-accused Nandu Ray @ Nandu Kumar Ray has also been granted privilege of anticipatory bail by a co-ordinate Bench of this court vide order dated 25.10.2021 passed in Cr. Misc. No. 43843 of 2021. He further submits that co-accused, namely, Ajay Kumar on whose disclosure the name of the petitioner has come, has been granted bail by a co-ordinate Bench of this court vide order dated 30.11.2021 passed in Cr. Misc. No. 27176 of 2021. He further submits that the police after investigation submitted charge sheet against the petitioners and other co-accused persons. Petitioners are in custody since 28.08.2021.

The learned Additional Public Prosecutor opposed the



prayer of bail submitting that petitioners carry four criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Ahiyapur P.S. Case No. 60 of 2021, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent,



the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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