

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60279 of 2022

Arising Out of PS. Case No.-489 Year-2022 Thana- GANDHIMAIDAN District- Patna

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Vinod Kumar Ray, Son of Ram Karan Rai, R/o Village - Sadhpur, P.S.-
Garkha, District - Chapra (Saran), Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Nandan Pandit, Advocate

For the Opposite Party/s : Mr.Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Special Case No. 4530 of 2022 arising out of Gandhi Maidan P.S. Case No. 489 of 2022 registered for the alleged offences under Sections 30(a), 32(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, police received a tip off about a big consignment of illicit liquor being transported by a bus. The said vehicle was intercepted and two persons tried to escape from the vehicle on seeing the police party but both of them were apprehended. Petitioner is one of the apprehended persons. On search of the vehicle 97.5 litres of India made foreign liquor and one litre of country made *chulai* liquor were



recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner is the driver of the said bus and only on suspicion he has been apprehended by the police. Petitioner was completely unaware about the presence of the illicit liquor in the dickey of the bus. The petitioner is in custody since 03.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, the petitioner above named 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 Special Judge, Excise Act, Patna in connection with Gandhi Maidan P.S. Case No. 489 of 2022 (Special Case No. 4530 of 2022), subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :



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

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

(iii) 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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