

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1189 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- MALSALAMI District- Patna

Raju Ray S/O Late Devanand Ray @ Yadunandan Ray R/O- Patthar Ghat,
P.S.- Malsalami, Distt.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-06-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Malsalami P.S. Case No. 473 of 2021 (Spl. Case No. 6178 of 2021 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018. He is in custody since 15.11.2021 and has no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on secret information, the informant along with other police officials reached near Pathar Ghat and saw 3-4 persons were unloading jute bags from the boat who fled away



after seeing the police party. On search, total 120 liters of country-made mahua wine was recovered from the jute bags.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no recovery from the conscious possession of the petitioner. The petitioner has remained in custody since 15.11.2021 having no criminal antecedent.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner is in custody since 15.11.2021, he has otherwise no criminal antecedent, investigation against him is complete and his presence may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Spl. Judge Excise, Patna in connection with Malsalami P.S. Case No. 473 of 2021 (Spl. Case No. 6178 of 2011), subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage



it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

