

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63816 of 2022

Arising Out of PS. Case No.-621 Year-2022 Thana- MANER District- Patna

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Sunil Ray Son of Ram Anuj Ray, R/o- Taparpur, P.S- Akilpur, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mirityunjay Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the wife of petitioner is pregnant and her expected date of delivery is 05.01.2023 and except this petitioner, there is no one present in his family to look-after his wife.

Heard learned counsel for the petitioner and learned APP for the State.

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

In the present case, the petitioner seeks bail in connection with Maner P.S. Case No. 621 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 105 liters of

country made *mahua liquor* was made from the tempo of the petitioner, who was apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has no concern with the allegedly seized liquor. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner was carrying a passenger, who fled away from the spot and the petitioner was apprehended. The petitioner is in custody since 02.09.2022 and charge-sheet has been submitted. The petitioner has got no criminal history.

Learned APP for the State opposes the prayer for bail submitting that recovery of 105 liters of country made *mahua* liquor was made from the tempo of the petitioner and he was apprehended from the spot.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the the period of custody of the petitioner along with submission of charge-sheet as well as his clean antecedent, the above named petitioner 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 Special Judge, Excise Act

or Successor Court, Danapur, Patna, in connection with Special Excise Case No. 1476 of 2022, arising out of Maner P.S. Cae No. 621 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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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