

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2236 of 2023

Arising Out of PS. Case No.-318 Year-2022 Thana- MAHESI District- East Champaran

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MOHAN RAY @ SANTLAL KUMAR S/o Ramanand Ray @ Ram Nandan
Ray R/o Village- Pahar Chak, P.S.- Motipur, Distt- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and learned
APP Mr. Jitendra Kumar Singh for the State.

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

The petitioner is apprehending arrest in connection
with Mehsi P.S. Case No. 318 of 2022 under section 30(a) of
Bihar Prohibition and Excise Act.

As per the prosecution story, the police alleges that
upon secret information that the petitioner had concealed the
illicit liquor went to Culvert near bank of Semra Gandak river
and recovered 371.52 liters of foreign liquor.

Accordingly, the FIR.

Learned counsel for the petitioner submits that
admittedly the recovery is from the Culvert near Semra Gandak



river, nothing has been recovered from his conscious possession and even the seizure witnesses are the police men.

Further averment is that irrespective of outcome of the present case, he is ready to deposit Rs. 10,000/- in the Account No. 14130100 415712 of Bihar State Bar Council Advocates Welfare Fund.

Considering the aforesaid facts that has been put forward by the learned counsel for the petitioner as also he do not have criminal antecedent, this Court is inclined to grant him the privilege of anticipatory bail.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge Excise Court No.I, East Champaran, Motihari, in connection with Mehsi P.S. Case No. 318 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the conditions as follows:

(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 co-operate in the investigation



and make himself available to the police as and when required;

(iii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) 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.

(Rajiv Roy, J)

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