

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7720 of 2023

Arising Out of PS. Case No.-333 Year-2020 Thana- BODHGAYA District- Gaya

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Baidhnath Ray Son Of Piyus Kanti Ray R/O Quarter No. 19, Block No. 1,
Type- 1, Shiv Mandir Ke Pas, Hesala Patratu, Distt.- Ramgarh
(JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan

For the Opposite Party/s : Mrs. Sucheta Yadav

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 120(B) of the Indian Penal Code and Section 30(a)/45 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 153 litres of foreign liquor is said to have recovered from a Bolero. He further submits that driver of the Bolero was apprehended on the spot who disclosed that name of the owner of the seized vehicle is Chandan Sao,



not the present petitioner. He submits that during investigation, police enquired about the ownership of the alleged Bolero and found the same has been registered in the name of the petitioner, hence on that basis petitioner was made accused in the alleged crime. He further submits that one month before the date of occurrence the petitioner had executed an agreement with Shiv Charan Kumar and sold in scrap for cutting the vehicle. He submits that there is no recovery made from the conscious possession of the petitioner. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00/- (Rupees Twenty-five Thousand) in the account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Considering the facts and circumstance of the case and the fact there is no recovery made from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned court below where the case is pending/successor court in connection with Bodhgaya P.S. Case No. 333 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

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