

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22871 of 2023

Arising Out of PS. Case No.-332 Year-2022 Thana- DIDARGANJ District- Patna

OJIR @ OJIR RAY @ BAJIR @ BAJIR RAY Son of Shyamnath Ray
Resident of Village - Hanumanchak, Bagicha, P.S.- Didarganj, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2023 Heard the parties.

The petitioner is in custody in connection with
Didarganj P.S. Case No. 332 of 2022 for the offence under
sections 30(a)/36/37 of Bihar Prohibition and Excise Act
lodged on 27.11.2022 by the informant, Manoj Kumar.

As per the prosecution story, the Police caught three
persons in an inebriated state and upon inquiry, named this
petitioner from whom they have purchased. Thereafter, the place
was raided and 170 liters of country-made liquor was recovered
which followed the F.I.R.

Learned counsel for the petitioner submits that the
recovery is from an open place, he do not have criminal
antecedent and is in custody since 05.02.2023 (as stated in



paragraph 12 of the petition).

Learned APP opposes the prayer for bail stating that they claimed to have purchased from this petitioner.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that he do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise, Patna City, in connection with Didarganj P.S. Case No. 332 of 2022 subject to the following conditions:

(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 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 bail bond by the Trial Court itself;

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



(iv) 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;

(v) 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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