

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24693 of 2023

Arising Out of PS. Case No.-24 Year-2023 Thana- BALIGAON District- Vaishali

Krishna Ray @ Hare Krishna @ Hare Krishna Nirala Son of Late Ajay Rai @
Ajay Kumar Ray R/O Village- Pipri @ Pipra, P.S.- Sakara, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brajendra Nath Pandey, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Baligaon P.S. Case No. 24 of 2023, registered for the

offences punishable under Section 414 of the IPC and

Sections 30(a) and 41(i) of the Bihar Prohibition and Excise

(Amendment) Act, 2018.

As per allegation, from a stolen pickup van, total

1242 litres of Indian Made Foreign Liquor were recovered.

The name of the petitioner sprang up on the confession of

apprehended co-accused persons.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious physical possession of the petitioner. He also submits that the petitioner was not apprehended from the spot, hence there is no question of recovery of alleged stolen vehicle from the possession of the petitioner, as such, Section 414 of the IPC is not made out against the petitioner.

He further submits that the petitioner has been languishing in jail since 17.03.2023.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner is also made accused in five other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-



named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Exclusive Special Excise Court no.1, cum Additional District and Sessions Judge, Vaishali at Hazipur, in connection with Baligaon P.S. Case No. 24 of 2023, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents other



than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

Amrendra/-

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