

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35325 of 2023**

Arising Out of PS. Case No.-250 Year-2023 Thana- MALSALAMI District- Patna

- 
1. ASHOK RAY S/o- KHUDI RAY Village- Baishani Tola Bagia Ps- Malsalami Dist- Patna
  2. Kundan Kumar son of Ashok Ray Village- Baishani Tola Bagia Ps- Malsalami Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar

For the Opposite Party/s : Mr. Rajendra Singh

---

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      05-07-2023                      Heard learned counsel for the petitioners and learned  
APP for the State.

Learned counsel for the petitioners seeks permission to  
withdraw this application with regard to petitioner no. 2  
submitting that during pendency of this application the petitioner  
no. 2 has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to petitioner  
no. 2 is dismissed as withdrawn.

Now, this application is being heard only with regard  
to petitioner no. 1.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.



The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30 (a), 36 and 37 of the Bihar Prohibition and Excise Act, 2016.

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 166 liters of country made liquor is said to have recovered from the accused persons. He submits that the petitioner's family made scapegoat on the instance of some interested persons of the locality who have enmity with the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Malsalami P.S. Case No.250 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

**(Anjani Kumar Sharan, J)**

anand/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

