

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35739 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- DANIYAWAN District- Patna

LAKHINDER RAY @ LAKHINDRA RAY @ LAKHINDRA YADAV S/O
SURENDRA RAY R/O Village- Latiahi, P.S- Gangabridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikash Kumar Jha

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Daniyawar P.S. Case No. 13 of 2023 registered for the offences
punishable under Sections 30(a), 32(2) (3), 36, 41(1)(2) of the
Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, there is alleged recovery
of 763.9 litre foreign liquor from the pick up van in question
and apprehended co-accused Santosh Kumar disclosed the name
of petitioner and others who are also involved in the alleged
occurrence.

Learned counsel for the petitioner submits that
petitioner is in custody since 12.05.2023 and bears criminal
antecedent of four cases in which two are of similar nature and



in all cases he is on bail. He further submits that petitioner is not apprehended on spot. He further submits that petitioner is neither owner nor driver of the said vehicle and nothing has been recovered from conscious possession of the petitioner. He further submits that petitioner has no concern with the alleged recovered liquor. He further submits that petitioner is quiet innocent and has falsely been implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Daniyawan P.S. Case No. 13 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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