

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37177 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- ATHMALGOLA District- Patna

DILIP RAY Son of Langeswar Rai Resident of village - Ranisarai
Mahamadpur, P.S. - Bakhtiyarpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Athmalgola P.S. Case No. 99 of 2023 registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, there is alleged recovery of
175 litres illicit liquor from the car in question and petitioner
along with others was apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 04.05.2023 and bears criminal
antecedent of one case of similar nature. He further submits
that nothing has been recovered from conscious possession of
the petitioner nor the alleged car in question belongs to the



petitioner. Petitioner is innocent and has committed no offence as alleged in the F.I.R. There is no compliance of Section 100 of Cr.P.C.

The learned A.P.P. for the State 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 Special Judge, Excise Act, Barh, District-Patna in connection with Athmalgola P.S Case No. 99 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)

Nitin/ Amit

U			
---	--	--	--

