

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37388 of 2023

Arising Out of PS. Case No.-296 Year-2020 Thana- BAIKUNTHPUR District- Gopalganj

SHYAMDEV RAY S/O LATE SHIV BACHAN RAI R/O Village- Vill.
Bahrapur, PS. Baikunthpur, Dist. Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhramveer

For the Opposite Party/s : Mr.Arun Kumar

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 Baikunthpur P.S. Case No. 296 of 2020 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of 2000 litre country made liquor from the pickup van in question. Local people disclosed that petitioner and others fled away from the place of occurrence and they are liquor trader.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in this case. Petitioner is in custody since 24.01.2023 and bears criminal antecedent of twelve cases



out of which eleven cases are of similar nature. He further submits that petitioner is not apprehended on the spot. No incriminating article has been recovered from possession of the petitioner. Petitioner has no concern either with the recovered liquor or pickup van in question. He further submits that on similar allegation co-accused Ramdeo Rai @ Ramdeo Kumar Yadav has already been granted anticipatory bail vide Cr. Misc. No. 46011 of 2021 by the co-ordinate Bench of this court.

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, petitioner is not apprehended on the spot, 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 Additional Sessions Judge II cum Special Judge, Excise-1, Gopalganj in connection with Baikunthpur P.S. Case No. 296 of 2020, 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)

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