

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37318 of 2023

Arising Out of PS. Case No.-15 Year-2022 Thana- DERNI BAZAR District- Saran

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GUDDU RAY @ GUDDU KUMAR SON OF RAMPARVESH RAY
RESIDENT OF VILLAGE- PIRARI, PS- DERNI, DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-06-2023 Learned counsel for the petitioner is permitted to

make necessary correction in para-1 and prayer portion of the

petition during course of the day.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner seeks bail in connection with Derni

P.S. Case No. 15 of 2022 registered for the offence punishable

under Section 30(a) of the Bihar Prohibition and Excise Act,

2016.

As per prosecution case, there is alleged recovery

of 100 litre country made liquor from the toilet of co-accused

Ram Pravesh Rai and apprehended co-accused Ram Pravesh Rai

disclosed the name of petitioner who fled away from there.

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 24.12.2022 and bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not apprehended on the spot. Nothing has been recovered from conscious possession of the petitioner.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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 Exclusive Special Judge, Excise Court-1, Saran at Chapra in connection with Derni P.S. Case No. 15 of 2022, 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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