

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47636 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

VICKY RAY @ VICKY KUMAR RAY @ VICKY KUMAR S/O
DHIRENDRA RAY @ JHHUDI RAY R/O Village- Supaul, P.S- Shahpur
Patori, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, App 84

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-08-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with Patori P.S.
Case No. 495 of 2022 registered for the offence under Section
Sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2012.

3. The accused/petitioner is named in the F.I.R. and is in
custody since 25.04.2023.

4. The allegation against the petitioner is to be engaged in
illegal trading/manufacturing of illicit liquor, where, there is recovery
of 7.200 litres of IMFL/country made liquor from an open place.

5. Learned counsel appearing on behalf of the petitioner
submitted that alleged recovery of illicit liquor appears to be made
from the bamboo clump, which is an open place and accessible by



general public and, as such it can be said safely that recovery of alleged illicit liquor not appears to be made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that petitioner found involved in three more criminal cases, where he has been acquitted in one case and is on bail in rest of the two cases and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor appears to be made from an open place, accessible by general public coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.04.2023, accordingly, above named petitioner is directed to be released on bail in connection with Patori P.S. Case No. 495 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-2, Samastipur, Dist.-Samastipur/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. with further conditions:

“(i) That the petitioner shall
not involve in similar nature of
offence till the conclusion of trial,



failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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