

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51134 of 2023

Arising Out of PS. Case No.-249 Year-2023 Thana- SHRIKRISHNAPURI District- Patna

ALAKH RAI @ ALAKH NATH ROY Son of Late Jhulan Rai Resident of
Dwarika Lane, West Boring Canal Road, P.S.-Shrikishnapuri, District-Patna
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Adv.
For the Opposite Party/s : Mr.Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Shrikishnapuri P.S. Case No. 249 of 2023 registered for the offence under Sections 341, 323, 353, 307, 504 and 34 of the Indian Penal Code and 37, 45 of the Bihar Prohibition and Excise Act.

According to the prosecution, while the police party was conducting raid in the house of the petitioner on a secret information with regard to illegal trading of wine, they are subjected to assault by means of lathi and danda due to which one of the police personnel sustained head injuries.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that



on perusal of the F.I.R., it appears that no allegation of assault or any overt act is attributed to the petitioner rather the specific allegation of assault is attributed to the daughter of the petitioner. He further submits that nothing incriminating article/illicit liquor has been recovered from the house or conscious possession of the petitioner rather the petitioner was found in drunken condition to the effect of 176.2 mg/100 ml of Alcohol according to the breath analyzing test. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Shrikrishnapuri P.S. Case No. 249 of 2023/ Special Case No. 4394 of 2023 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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