

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51305 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- BHAGWAN BAZAR District- Saran

RAJESH RAY SON OF SURAJ RAY RESIDENT OF VILLAGE KATRA,
PS- BHAGWAN BAZAR, DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar, Advocate

For the Opposite Party/s : Mr.Suresh Prasad Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 02.06.2023 in connection with Bhagwan Bazar P.S. Case No. 220 of 2023, F.I.R. dated 27.05.2023 registered for the offence punishable under Section 30A of Bihar Prohibition and Excise Act, 2018.

3. Recovery is of 200 liters of foreign liquor.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that it appears from the FIR as well as the seizure list that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the Palani of co-accused person, namely, Baliram Sah and on the basis of



the disclosure made by the local people and also the disclosure of the co-accused person, the petitioner has falsely been implicated in the present case and the petitioner is in custody since 02.06.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, having clean antecedent, let the petitioner, above named, 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 Additional District and Sessions Judge-II-cum-Exclusive Special Judge, Excise, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 220 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(II) 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.

(III) 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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