

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57329 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- MAIRWAN District- Siwan

RAMANAND RAY @ RAMANAND RAI SON OF DEVLAL ROY
RESIDENT OF VILLAGE - SULTANPUR, P.S. - MOHIUDDIN NAGAR,
SAMASTIPUR, BIHAR-848101

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

2. The petitioner is in Judicial custody in connection with Mairwa P.S. Case No. 206 of 2023 instituted under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018, lodged on 07.07.2023 by the informant, Ramesh Kumar Singh.

3. As per the prosecution story, the allegation is that the police upon information intercepted two Boleros coming from U.P. border and from first Bolero, in which the petitioner was present, 216 litres of Indian Made Foreign liquor was recovered / seized and from the second Bolero, one accused Rohit Singh was present, 457.920 litres of illicit liquor was recovered / sized. This followed arrest, F.I.R.

4. It is the case of the petitioner that he is the Cleaner



of the first Bolero and had no idea that amongst the loaded goods, the liquor has been kept, is in custody since 08.07.2023 (Paragraph 17 of the bail petition), do not have criminal antecedent.

5. Learned APP opposes the prayer for bail stating therein that there is recovery from the Bolero in which he was sitting.

6. Considering the submissions put forward by the parties, the petitioner do not have criminal antecedent, is in custody since 08.07.2023 and will be facing the trial, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-1, Siwan, in connection with Mairwa P.S. Case No. 206 of 2023, subject to following conditions : -

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself,

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds:

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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