

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56436 of 2023

Arising Out of PS. Case No.-180 Year-2023 Thana- PARBATTa District- Khagaria

Abhay Ray Son Of Late Suresh Ray Village- Dumaraiya Khurd, P.S. Parbatta,
Distt. Khagaria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Parbatta P.S. Case No.180 of 2023 for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act and Sections 25(1-b)a/26/35 of the Arms Act lodged on 27.04.2023 by the informant Dharmendra Pal.

3. As per the prosecution story, the allegation is that upon information the police reached the place. One person successfully escaped and the locals gave his name as Abhay Kumar, the petitioner. From the house of the present petitioner there was recovery/seizure of 209.430 liters of liquor as also a country made pistol kept in the box which recovered/seized. This followed the FIR.



4. It is the case of the petitioner that recovery was made from the joint house, nothing has been recovered from his conscious possession and he is in custody since 26.06.2023 (para-9 of the petition).

5. Learned APP opposes the prayer stating that he has criminal antecedents.

6. Taking into account the submissions put forward by the learned counsel for the petitioner, nothing has been recovered from his conscious possession, he is in custody since 26.06.2023, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Excise Judge-II, Khagaria, in connection with Parbatta P.S. Case No. 180 of 2023 subject to the 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 six months to mark his 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 his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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