

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56927 of 2023

Arising Out of PS. Case No.-520 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

KRISHNA RAY SON OF LATE RAMESH RAY RESIDENT OF VILLAGE
- MAHARAJGANJ, POLICE STATION - CHAPRA MUFFASIL, DISTRICT
- SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023 Heard the parties.

The petitioner is an accused in connection with Chapra Muffasil P.S. Case No. 520 of 2023 registered for the offences under section 30(a) of the Bihar Prohibition and Excise Act lodged on 04.07.2023 by the informant, Subhash Kumar Singh.

As per the prosecution story, the police upon information that the accused are selling liquor, reached the land of one Bablu Prasad and found a person fleeing away. He was arrested, it was petitioner. Further, the villagers informed that the sell of liquor is being done from the land of Bablu Prasad and upon reaching there, altogether 100 litres of country made liquor recovered from four sacks. Accordingly, the FIR.



It is the case of the petitioner that nothing has been recovered from his conscious possession, the recovery is from the land of one Bablu Prasad, he had nothing to do with it and only because he was present when the police came, he was arrested. His last submission is that he do not have criminal antecedent and is in custody since 05.07.2023 (as stated in paragraph 9 of the bail application).

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the submissions put forward by the learned Counsel for the petitioner as also that nothing has been recovered from his conscious possession and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Court of 1st Exclusive Special Excise Court, Saran at Chapra in connection with Chapra Muffasil P.S. Case No. 520 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 fortnight for next six months 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 his 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.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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