

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57376 of 2023

Arising Out of PS. Case No.-391 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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Pramod Ray @ Pramod Rai @ Pramod Prasad Yadav Son Of Badri Rai
Village- Govindapur, Ps- Kalyanpur, Dist- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate
For the Opposite Party/s : Mr.Abhay Kumar Roy,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 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
20.07.2023 in connection with Excise P.S. Case No. 391 of
2021 registered for the offence punishable under Sections
30(a), 41(i) of Bihar Prohibition and Excise Act.

3. Recovery is of 345.600 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that it appears from the FIR itself
that nothing has been recovered from conscious possession of
the petitioner rather the recovery has been made from the
Tractor (Trolley) in question and the petitioner is neither the



driver nor the owner of the Tractor (Trolley) in question and he has no concern at all with the alleged recovery of illicit liquor and the petitioner is in custody since 20.07.2023.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, 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 Exclusive Special Excise Court No.-2, Motihari, East Champaran in connection with Excise P.S. Case No. 391 of 2021, 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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