

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60051 of 2023

Arising Out of PS. Case No.-548 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

SAHEB RAY Son of Jadwans Ray R/o vill - Dariyaganj, P.S. - Mufassil,
Distt. - Saran at Chapra

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with Muffasil P.S. Case No. 548 of 2023 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act lodged on 17.7.2023 by the informant, Sujeet Kumar.

3. As per the prosecution story, the allegation is that from the roof of the truck 233.01 liters of liquor were seized which led to lodging of the FIR and the petitioner was arrested.

4. It is the case of the petitioner that he is cleaner, had little knowledge that the truck on which he is present, the liquor is being carried. He has no criminal antecedent and has suffered by being in custody since 17.7.2023.

5. Learned APP opposes the prayer for bail.



6. Taking into account the submission, the period of custody, FIR lodged and ultimately he will be facing the trial and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner 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 Additional District 2nd Cum 1st Exclusive Special Judge, Excise, Saran at Chapra, in connection with Muffasil P.S. Case No. 548 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 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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