

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61770 of 2023

Arising Out of PS. Case No.-1262 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Gone Ray @ Gonai Ray Son Of Late Ramdev Ray Resident Of Village- Sukumarpur, Ps- Raghapur, Distt- Vaishali
 2. Randhir Kumar Son Of Suresh Ray Resident Of Village- Chandpur, Ps- Raghapur, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 06.08.2023 in connection with Excise P.S. Case No. 1262 of 2023, F.I.R. dated 05.08.2023 for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act.

3. According to prosecution case, there has been recovery of 300 liters of countrymade wine inside the sand. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that petitioners have clean antecedent and they have falsely been implicated in the present case merely on the basis of suspicion. He further submits that nothing has been recovered from the



conscious possession of the petitioners or the house of the petitioners, rather the recovery has been made from the inside of the sand. The petitioners are in custody since 06.08.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, let the petitioners, 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 the learned Special Judge, Excise, Patna in connection with Excise P.S. Case No. 1262 of 2023, subject to the following conditions:-

i. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their



criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Prakash Narayan

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