

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68438 of 2023

Arising Out of PS. Case No.-601 Year-2023 Thana- NAGAR District- Vaishali

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Anil Ray S/O Sukul Ray Resident Of Village-Bagmali, P.S.-Town, Hajipur,
District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 19-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Hajipur Town P.S. Case No. 601 of 2023, lodged on 01.08.2023,
under Section 414 of the I.P.C. and under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, the FIR lodged against
five named accused persons including the petitioner and
801.720 liters of Indian made foreign liquor has been the subject
matter of recovery.

4. Learned counsel for the petitioner submits that
recovery has been made from the vehicle and it is alleged that
petitioner is the driver of the said pickup vehicle. Counsel
submits that petitioner is in custody since 02.08.2023 and there



is two criminal cases pending against him but none of the cases is of Bihar Prohibition and Excise Act.

5. Learned counsel for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean and huge quantity of wine in violation of Excise Act has been recovered.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Spl. Excise Court No.1-cum-Additional Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Town P.S. Case No.601/2023, 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 bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

(Dr. Anshuman, J)

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