

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67194 of 2022

Arising Out of PS. Case No.-237 Year-2020 Thana- TAJPUR District- Samastipur

RAVIN KUMAR RAY, Son of Late Raghubir Ray @ Late Raghuvir Ray @
Late Raghuveer Ray, R/O Village- Bikrampur Sarangpur, P.S.- Tajpur
(HALAI O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Advocate

For the Opposite Party/s : Mr.Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and the learned
APP for the State.

The petitioner seeks bail in connection with Tajpur (Halai
O.P.) P.S. Case No. 237 of 2020 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act.

From a motorcycle, there is alleged recovery of 23.925
litres illicit liquor. The petitioner's implication in the case is based on
recovery of some papers in the tool compartment of the motorcycle,
which suggests that the motorcycle was sold to the petitioner.

Learned counsel for the petitioner submits that the
motorcycle in the FIR cannot be stated to be incriminating the
petitioner, insofar as the allegations under Bihar Prohibition and
Excise Act are concerned. There is no recovery from the petitioner



and he is stated to be in custody since 15.10.2022. He is on bail in two out of three cases pending against him. Even as per the prosecution case, petitioner was not present at the place of recovery. Moreover, investigation is also complete. Recovery is denied and disputed and is stated to be not in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel.

Prayer for bail of the petitioner is allowed.

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 Special Judge Excise Court – 02, Samastipur, in connection with Tajpur (Halai O.P.) P.S. Case No. 237 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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