

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67779 of 2022

Arising Out of PS. Case No.-244 Year-2021 Thana- PATNA CITY CHOWK District- Patna

Vijay Ray @ Vijay Kumar Ray, aged about 39 years, Gender-Male, Son of Nandi Rai @ Aanandi Rai @ Randhir Rai R/V- Kaumashikoh, Sharifaganj, P.S- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Special Case No. 4909/2021 arising out of Chowk P.S. Case No. 244/2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018.

One hundred twenty (120) litres of country made liquor has been recovered from a vehicle. Local persons have stated regarding the petitioner being consignee of the liquor.

It is submitted by the petitioner's counsel that based on his criminal antecedents, petitioner's name has been inserted in the alleged statement of local persons. As per prosecution case, he was not present at the place of recovery. There is also no recovery from the petitioner's possession and he is in custody since 29.09.2022. Petitioner is on bail in eight (8) cases pending against him as per disclosure made in paragraph No. 3 of the bail application. It is submitted that investigation is complete.

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



Considering the rival submissions, period of custody, manner of recovery 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 the learned Special Judge Excise, Patna City, in connection with Special Case No. 4909/2021 (arising out of Chowk P.S. Case No. 244/2021), 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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