

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73631 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- DERNI BAZAR District- Saran

NISHU KUMAR RAY @ NISHU RAY @ NISHURAI RAY Son of Punjabi
Ray Resident of village - Pojhi, P.S.- Derni, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing in view of the
COVID 19.

The petitioner apprehends his arrest in connection
with Derni P.S. Case No. 154 of 2022 for the offence registered
under Sections 30(a) of Bihar Prohibition and Excise
Amendment Act.

As per the prosecution story, the allegation is that
upon secret information, the house of the petitioner was raided
and 100 liters of country made liquor was/were recovered/seized
as also some packing machine and empty plastic pouches.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that the
alleged recovery has been made from the house of the petitioner



but the real fact is that the same is planted at the instance of some motivated persons. He further submits that the police has created some false evidence which would be apparent from the fact that the case has been registered on 08.08.2022 but the same has been sent to the Court on 10.08.2020 I.e more than after 24 hours since the institution of the case and there is no explanation for delay.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail.

Taking into account the fact that kind of recovery as also the submissions put forward by the learned counsel for the petitioner as stated above with further fact that he has no criminal antecedent, this Court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Court of Additional District and Sessions Judge -2 cum 1st Exclusive Special Judge, Excise, Chapra, Saran in connection with Derni P.S. Case No. 154 of 2022 subject to condition as laid down



under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her 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/her 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 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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