

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36479 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- GARKHA District- Saran

Radheyshyam Ray Son of Devendra Ray, R/o Village- Kuchah, P.S.- Garkha,
District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Sanjay Kumar Singh, the learned

counsel for the petitioner and Mr. Yogendra Kumar Singh, the

learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

02.04.2024, in connection with Garkha P.S. Case No. 230 of

2023, FIR dated 05.05.2023, registered for the offences

punishable under Sections 30(a), 41 and 36 of the Bihar

Prohibition and Excise Act.

3. Recovery is of 2727.360 litres of English liquor.

4. Learned counsel for the petitioner submits that

petitioner has clean antecedent and he has falsely been

implicated in the present case and name of the petitioner has

transpired on the basis of disclosure made by local chowkidar.

He further submits that upon perusal of the FIR, it appears that



recovery has been made from the truck in question and petitioner is neither owner nor driver of the said truck in question and he has no concern at all with the alleged recovery. He lastly submits that the petitioner is in judicial custody since 02.04.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner has clean antecedent and he is neither the driver nor owner of the said truck in question, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-1st Exclusive Special Judge Excise, Saran at Chapra, in connection with Garkha P.S. Case No. 230 of 2023, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall



be cancelled by the learned trial Court.

(ii). If the petitioner tampers 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 learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioner. 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)

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