

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46183 of 2024

Arising Out of PS. Case No.-322 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Vaidhnath Ray @ Baijnath Ray @ Vaijnath Kumar Son of Yaduwansh Ray
Resident of Village- Uttri Dhamaun, P.S- Shahpur Patori, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha, Adv.

For the Opposite Party/s : Ms.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-09-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Shahpur Patori P.S. Case No. 322 of 2022 for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016 lodged on 08.08.2022 by the informant, Santosh Kumar.

3. As per the prosecution story, the informant alleged that during the patrolling, a motorcycle was intercepted and 80 litres of country made *Mahua* have been seized/recovered. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that only because of criminal antecedent in similar matter, he has been implicated again for which has already suffered by being in custody since 18.04.2024 (para-19 of the petition).



5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the allegation as also his period of custody, FIR lodged, he will be facing trial, this Court is inclined to extend his the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned 2nd Special Judge (Excise), Samastipur in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors 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 bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark his 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 his bail bonds.

(Rajiv Roy, J)

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