

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61915 of 2024

Arising Out of PS. Case No.-224 Year-2024 Thana- DIGHWARA District- Saran

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1. Ravindra Ray @ Rabindra Ray Son of Badri Ray Resident of Village - Ganghara, Police Station - Sahpur, District - Patna
 2. Binod Kumar Son of Munsu Mahto Resident of Village - Gunghara, Police Station - Sahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Pandey, Advocate
For the Opposite Party/s : Mrs. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-09-2024 Heard the learned Advocate for the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Dighwara P.S. Case No. 224 of 2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. The police in course of patrolling on a tip of manufacturing of illicit wine conducted raid. Both the petitioners were apprehended from the place of occurrence. On search, total 120 liters country made liquor and other utensils as well as gas cylinders were recovered.

4. Learned Advocate for the petitioners referring to



the FIR contended that the alleged recovery has been made from *Basantpur Diyara*, which is an open place, easily accessible to all. The petitioner bears fair antecedent and they have never been implicated in such kind of offences. Moreover, the petitioners are in judicial custody since 24.06.2024 and the investigation of the crime is complete and the charge-sheet has been submitted. Drawing the attention of this Court to the seizure list, learned Advocate for the petitioners further contended that the witnesses are none else but the police personnel and, as such, there is no compliance of Section 100 of the Cr.P.C.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an open place, coupled with the fair antecedent of the petitioners and the investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum 1st Exclusive Special Excise Judge, Saran at Chapra in connection with Dighwara P.S. Case



No. 224 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioners. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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