

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70751 of 2024

Arising Out of PS. Case No.-242 Year-2024 Thana- PIPRA District- Supaul

Jay Prakash Ray S/O Basant Ray R/O Village- Behli Ward No.-7, P.S and
Distt.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pratibha Srivastava, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-10-2024 As prayed for, learned counsel for the petitioner is permitted to make necessary correction in the provision of law under which the present bail petition has been filed as also in paragraph 13 of the petition, during the course of the day.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner seeks bail in connection with Sessions Trial Excise No. 680 of 2024 arising out of Pipra P.S. Case No. 242 of 2024 registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there is alleged recovery of 269.1 liters country made Neapli liquor from the Swift Dezire in question and petitioner is said to have apprehended on the spot.



4. Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the first information report. He further submits that petitioner is neither owner nor driver of the vehicle in question rather he was merely a passenger and he had no knowledge regarding the illicit liquor kept in the vehicle in question. Seizure list has not been made as per law. Petitioner bears no criminal antecedent and is in custody since 20.07.2024

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner bears no criminal antecedent, argument advanced on behalf of both sides and the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Judge, Excise Court No. I, Civil Court, Supaul in connection with Sessions Trial Excise No. 680 of 2024 arising out of Pipra P.S. Case No. 242 of 2024 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn



the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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