

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80068 of 2024

Arising Out of PS. Case No.-511 Year-2024 Thana- MASHRAK District- Saran

Hemant Ray Son of Late Paras Ray @ Paras Ray Resident of Vill- Chand
Kudaria, P.S.- Mashrak (Mashrakh), District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. Learned counsel for the petitioner has filed a
supplementary affidavit in the present case.

3. The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2022 (Amended).

4. Altogether 280 litres of spirit/country made liquor has
been recovered from *karkatnuma dalan* of the petitioner.

5. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
possession of the petitioner or from his house. He has no
concern either with the seized liquor or the place of recovery or



any trade of liquor. The allegation levelled against the petitioner is totally false and based on concocted facts. He was not apprehended on the spot. His name has been transpired in the present case merely on suspicion. He has falsely been implicated in this case at the instance of his enemy by planting the aforesaid recovery. The said *dalan* from where the alleged recovery has been made is an open and abandoned structure which can easily be accessible by anyone. Learned counsel further submits that petitioner has eight criminal antecedents of similar nature of offence that of the present case as mentioned in para 3 of the bail application.

6. Petitioner is agreed to deposit a sum of Rs. 2,00,000.00 (Rupees Two Lacs) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in



connection with Mashrakh (Mashrak) P.S. Case No. 511 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023, subject to the further conditions that

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyers’ Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

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