

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83133 of 2023

Arising Out of PS. Case No.-258 Year-2023 Thana- CHANDI District- Bhojpur

BIR BAHADUR RAY SON OF RAMJI ROY @ RAMJEE RAI RESIDENT
OF VILLAGE- HARDAS TOLA, PS- CHANDI, DIST- BHOJPUR AT ARA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashank Shekhar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Chandi P.S. Case No. 258 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act ,2018.

3. As per prosecution case, 120 litre country made
mahua liquor was recovered from the motorcycle in question
and petitioner apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 15.10.2023 and bears criminal
antecedent of two cases in which he is on bail. Learned counsel
orally submits that charge sheet has been submitted in the case
and there is no likelihood of tampering with the prosecution



evidence. He further submits that petitioner is not in any way connected with the motorcycle in question. Police had asked the petitioner to attest the seizure list and on refusal some scuffle took place between them and he has falsely been roped in the present case. Nothing has been recovered from the conscious possession of the petitioner. Seizure list has not been made as per law. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

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

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration 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) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Bhojpur, Ara in connection with Chandi P.S. Case No. 258 of 2023, 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 tampers 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)

vashudha/-

U		T	
---	--	---	--

