

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85181 of 2024

Arising Out of PS. Case No.-186 Year-2024 Thana- NAYAGAON District- Saran

Vishal Kumar Ray @ Vishal Kumar Son of Kumod Ray @ Kumodh Ray
Resident of Village-Shekh dumari, Shekh Duman, P.S.- Nayagaon, District-
Saran, Bihar-841217

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2024 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. 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.

3. Altogether 27.5 litres of foreign liquor has been
recovered from a refrigerator which was kept in a thatched
house situated behind the house of the petitioner.

4. 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. The alleged recovery has been made from a thatched house which is an open place and the same is accessible to anyone. It is further submitted petitioner was not apprehended on the spot. He has falsely been implicated in this case at the instance of his enemy by planting the aforesaid recovery. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) in account of Mahavir Cancer Sansthan, Patna bearing Account No. 3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. 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 eight 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 Nayagaon P.S. Case No. 186 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.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

8. The learned Court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence, then the bail bond of the petitioner shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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