

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2196 of 2024

Arising Out of PS. Case No.-247 Year-2023 Thana- AMBA District- Aurangabad

Vishwanandan Ray Late Buni Ray Resident of Village - Gopalpur, P.S. -
Mahua, District- Vaishali at Hajipur (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjit Kumar

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-01-2024 Learned counsel for the petitioner is permitted to
make necessary correction in para 8 of the bail petition filed on
behalf of the petitioner during the course of the day.

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

3. The petitioner seeks bail in connection with
Amba P.S. Case No. 247 of 2023 registered for the offences
punishable under Sections 30(a), 32 and 41 of the Bihar
Prohibition and Excise (Amendment) Act ,2018.

4. As per prosecution case, there was alleged
recovery of 111.60 litre foreign liquor from the Swift Dzire car
in question and petitioner apprehended on the spot.

5. Learned counsel for the petitioner submits that
petitioner is in custody since 03.11.2023 and bears no criminal



antecedent. He further submits that petitioner is neither owner nor driver of the seized car in question. Petitioner is apprehended on the spot on the basis of suspicion. Except suspicion, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. He further submits that there is no compliance of Section 100 of Cr.P.C. Petitioner is quite innocent and has falsely been implicated in the case.

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

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 Special Judge Excise Court 1st, Aurangabad in connection with Amba P.S. Case No. 247 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/-

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