

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.5794 of 2024**

Arising Out of PS. Case No.-82 Year-2023 Thana- BALIGAON District- Vaishali

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Krishna Ray @ Hare Krishna @ Hare Krishna Nirala S/O LATE AJAY RAI  
@ AJAY KUMAR RAY VILLAGE- PIPRI @ PIPRA, PS. SAKARA, DIST.  
MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Brajendra Nath Pandey

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      08-02-2024                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Baligaon P.S. Case No. 82 of 2023 registered for the offences  
punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar  
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, informant got secret  
information that petitioner and others are involved in the  
business of illicit liquor and they were going to unload the  
consignment of illicit liquor from a pick up van. It is further  
alleged that, 949 litre illicit liquor was recovered from Bolero  
pick up van in question.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR. Petitioner was not apprehended on spot. It is further submitted that petitioner has got no concern with the vehicle in question and he has no knowledge regarding the illicit liquor kept in the said vehicle. The name of petitioner has surfaced in this case merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged occurrence. Because of six previous criminal antecedents of the petitioner, he has been falsely roped in the present case without any basis. Petitioner is in custody since 27.09.2023. Learned counsel orally submits that charge sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears criminal antecedent of six cases.

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

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on spot, 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 Court of Exclusive Special Excise Court No. 1, cum Additional District and Sessions Judge, Vaishali at Hazipur in connection with Baligaon P.S. Case No. 82 of 2023, subject to the 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)**

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