

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 10367 of 2020

**Sanjay Ray age 35 years, Male S/o Late Sakaldeep Ray, R/o Village
Ward no. 8 Terasiya P.S. Ganga bridge District Vaishali**

.....Petitioner

Versus

The State of Bihar

.....Opposite Party

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Appearance

For the Petitioner : Ms. Rina Sinha, Advocate.

For the State : Mr. Syed Mojibur Rahman, APP.

CORAM : HONOURABLE MR. JUSTICE PARTHA SARTHY

Oral Order

2 13.05.2020

Heard learned counsel for the petitioner and learned APP for the State, through video conferencing.

The petitioner who is in custody since 1.1.2020 has filed the instant application for grant of bail in connection with Special Case no. 11601 of 2019 arising out of PR Case no. 288 of 2019 registered under section 30(a) and other sections of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the FIR, on secret information having been received, checking was started and the vehicle in question i.e. tempo was stopped. The driver disclosed his name as Aditya Kumar. On search, 500 litres of country liquor was recovered from the vehicle. It was stated by the driver that the seized liquor had been given to him by the petitioner to be delivered to one Vikas Kumar.

It is submitted by learned counsel for the petitioner that from perusal of the FIR itself it would transpire that no incriminating article has been recovered from the possession of the petitioner. He has no concern with the seized liquor. His name has transpired on the basis of statement of co-accused made before police. He has no criminal antecedent and is in custody since 1.1.2020.



The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the fact that the alleged article has not been recovered from the petitioner, the name of the petitioner has transpired on the statement of co-accused made before the police, the petitioner has no criminal antecedent and is in custody since 1.1.2020, the Court is inclined to enlarge the petitioner on bail. The petitioner is directed to be enlarged on bail in connection with Special Case no. 11601 of 2019 arising out of P.R Case no. 288 of 2019 on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise), Patna.

(Partha Sarthy, J)

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