

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16198 of 2021**

Arising Out of PS. Case No.-72 Year-2020 Thana- ANGARGHAT District- Samastipur

SANTOSH RAY SON OF RAM SAKAL RAY Resident of Village - Darahiya
Ashadar, Ward No.6, P.S.- Angarghat, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Pathak, Advocate

For the Opposite Party/s : Ms.Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 13-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Angarghat P.S. Case No. 72 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2016. He is in custody since 12.11.2020.

Learned counsel for the petitioner submits that as per the First Information Report 1203.3 liters of illicit liquor were recovered from the house which belong to the petitioner.

Learned counsel submits that the house is a joint house and recovery is not from the conscious possession of the petitioner. Learned counsel further submits that the petitioner has got two criminal antecedents of similar nature and he is in

jail in connection with this case since 12.11.2020.

This Court had earlier called for the case diary with complete antecedent report of the petitioner, however learned A.P.P. for the State informs that the case diary has been received but in the case diary no criminal antecedent of the petitioner is mentioned.

Considering the facts and circumstances of the case wherein 1203.3 liters of illicit liquor have been recovered from the house of the petitioner, though the petitioner claims that it is a joint house, petitioner has two criminal antecedents of similar nature but the petitioner has remained in custody for nine months by now, this Court directs release of the petitioner above-named **on completion of one year of custody** on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge – cum – Special Judge (Excise), Samastipur in connection with Angarghat P.S. Case No. 72 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal

antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.