

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18189 of 2021

Arising Out of PS. Case No.-443 Year-2020 Thana- PATORI District- Samastipur

1. Dilip Ray aged about 50 years (M) S/o- Chandra Ray R/V- Chapra Dumari, P.S.- Patori (Mohanpur O.P.), District- Samastipur.
2. Pawan Kumar Ray, aged about 25 years (M) S/o- Ram Babu Ray R/V- Baghara, P.S.- Patori (Mohanpur O.P.), District- Samastipur.
3. Chhotu Kumar aged about 19 years S/o Ram Babu Ray R/V- Baghara, P.S.- Patori (Mohanpur O.P.), District- Samastipur.
4. Anil Ray, aged about 23 years (M) S/o- Ram Pravesh Ray R/V- Kathauliya, P.S.- Biddupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for short ‘APP’) for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

At the outset, learned counsel for petitioners submits that at the address portion of the bail petition, the name of petitioner No.2 has been typed as “Rawan Kumar Ray” instead of “Pawan Kumar Ray” due to an inadvertent typographical error. As per



submissions of the petitioners' counsel, the same be read as "Pawan Kumar Ray".

The petitioners seek bail in Shahpur Patrori PS Case No. 443 of 2020, instituted for the offence under Sections 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The police has arrived at the place to recover 1166 litres and 400 ML Indian made foreign liquor. Five persons have been arrested who were loading unloading the liquor and one was said to be the driver. Driver co-accused Samundra Maury @ Samundra Maurya have been allowed bail in Cr. Misc. No. 19009 of 2021. The petitioners are in custody since 24.12.2020. The petitioner No.2 has one criminal antecedents in Pator PS Case No. 69 of 2020, in which, he is stated to be on bail. Petitioner Nos. 1, 3 and 4 are having no criminal antecedents as per averments made in the bail petition.

The counsel for petitioners submits that no such occurrence has taken place. It is a case of false implication. Recovery is not in accordance with law.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners is allowed. Let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-cum- Special Judge (Excise Act), Samastipur, in connection with Shahpur Patori PS Case No. 443 of 2020, Computer Reg. No. 1394 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

shyambihari/-

U		T	
---	--	---	--

