

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13043 of 2022

Arising Out of PS. Case No.-443 Year-2021 Thana- SARAIYA District- Muzaffarpur

SANTOSH KUMAR RAY S/o Ramadhar Ray Resident of Village- Khaira,
P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection
with Saraiya (Jaitpur O.P) P.S. Case No. 443 of 2021, for the
offence punishable under Section 272 and 273/34 of the Indian
Penal Code, Section 20 and 22 of the N.D.P.S. Act and 30(a) of
the Bihar Prohibition and Excise Act, 2016.

As per allegation made in the F.I.R. total 14 liters of
illicit country made liquor along with 500 gram Ganja were
recovered from the motorcycle bearing no registration number
but having Chassis No. MD626AK30L2N20172. The petitioner
was apprehended on the spot while other co-accused managed
to flee away.

Learned counsel appearing on behalf of the petitioner



submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the alleged recovery has been made from the un-numbered motorcycle bearing Chassis No. MD626AK30L2N20172. The petitioner was apprehended on the spot and he was forced to sign the seizure-list. The main culprit managed to flee away from the spot.

Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner and submits that petitioner has not denied the fact that the motorcycle, which has been recovered along with incriminate article belongs to the petitioner. Admittedly, there is recovery of 14 litres of country made liquor and 500 gram Ganja as such the complicity of the petitioner cannot be denied.

Having perused the F.I.R. and the seizure-list the allegation made in the F.I.R. is that one co-accused managed to flee away while the petitioner was apprehended on the spot. It is the specific case of the petitioner that he is not involved in any manner in the trade of illicit liquor or Ganja. The petitioner has remained in custody since 19.06.2021. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 50,000/- (Rs. Fifty Thousand) with two sureties of the



like amount each to the satisfaction of the learned Special Judge
Excise Act, Muzaffarpur in connection with Saraiya (Jaitpur
O.P) P.S. Case No. 443 of 2021, subject to the following
conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the Court
concerned.

(2) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the
witnesses of the case, in that case, prosecution will be at liberty
to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature
of offence, after his release on bail, the trial Court shall take
steps to cancel his bail bonds.

(Purnendu Singh, J)

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