

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28874 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- ROSERA District- Samastipur

Ram Babu Ray @ Ram Babu Roy, S/o Ramakant Yoy, R/o Village- Bhirha,
P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Md. Najmul Hodda, Advocate
	Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Swapnil Kumar Singh, learned counsel for the petitioner and Mr. Ramesh Chandra, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in connection with Rosera P. S. Case No. 32 of 2022 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 25(1-b)a, 26, 35 of Arms Act.

As per the prosecution case, it is alleged that the police on a secret information that near a Mango orchard foreign liquor is being loaded in a trolley of tractor for the purposes of sale, conducted a raid and on search 1125 litres of Indian made



foreign liquor was recovered. It is further alleged that from the box of trailer one .315 pistol and five live cartridge and two cartridge of 9 MM were recovered.

Learned counsel appearing on behalf of the petitioner submitted that from the F.I.R. it is evident that the petitioner was neither arrested at the spot nor any incriminating material has been recovered from his person or possession. It is further submitted that neither the Tractor or the trolley belongs to the petitioner nor the alleged recovered illicit liquor or the arms and ammunitions. It is further submitted that the name of the petitioner has been disclosed by the unknown persons, whose name has not been disclosed by the police personnel. It is lastly submitted that this petitioner is in custody since 17.02.2022 having a man of fair antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has been disclosed during the course of interrogation by local people.

Having considered the submissions made on behalf of the parties and taking into account the fact that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from his person or possession, apart from



the fact that neither the alleged recovered illicit liquor nor the trolley belongs to the petitioner and the petitioner is in custody since 17.02.2022 having a man of fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court-I, Samastipur, in connection with Rosera P. S. Case No. 32 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

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

