

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.35094 of 2022**

Arising Out of PS. Case No.-168 Year-2021 Thana- KISHUNPUR District- Supaul

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Samar Kumar Ghosh @ Samar Ghosh, Son of Sukumar Ghosh, R/o Village-  
Islampur Ramkrishnapuri, P.O. + P.S.- Islampur, District- Uttar Dinajpur,  
West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      13-07-2022              Learned counsel for the petitioner is permitted to  
remove the defect(s), as pointed out by the office, within a  
period of four weeks from today.

Heard Mr. Santosh Kumar, learned counsel appearing  
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in  
connection with Kishanpur P.S. Case No. 168 of 2021 registered  
for offences punishable under Section 30(a) of the Bihar  
Prohibition and Excise Amendment Act 2016.

As per the prosecution case, it is alleged that on a  
secret information, the police intercepted a Truck, Bolero  
Pickup and Magic Van and on search being made, 1683 litres of  
foreign liquor was recovered. It is also alleged that the driver of  
the Truck Chand Singh disclosed the name of petitioner, as



consigner of the foreign liquor.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested on spot nor the alleged foreign liquor was recovered from the person or possession of this petitioner, rather the same has been recovered from the Truck, Mahindra Pickup and Magic van, which do not belong to the petitioner and moreover only because of his past criminal antecedent his name has been implicated in this case. It is next submitted that the mobile number, which is said to be in the name of the petitioner also does not belong to him and other co-accused persons, namely, Bablu Chaudhary and Chand Singh, who have been apprehended by the police, have already been granted bail by the court below itself, the copy of which have been brought on record vide Annexure-2 Series to this application. It is next submitted that the petitioner is in custody since 19.02.2022 and the investigation of the crime is already completed and the charge-sheet has been submitted.

On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the petitioner is said to be the consigner of the alleged illicit foreign liquor, apart from the fact that he has multiple criminal antecedent.



Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered moreover, the phone number, which is said to be of the petitioner, does not belong to him and moreover the investigation of the crime is completed and the charge-sheet has been submitted and as such keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, Supaul in connection with Kishanpur P.S. Case No. 168 of 2021, subject to the condition that one of the bailors will be the local residents 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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