

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34847 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- TAJPUR District- Samastipur

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Samar Kumar Ghosh @ Samar Ghosh, S/O Sukumar Ghosh, Resident of Village- Islampur Ramkrishnapuri, P.O. and 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 ARUN KUMAR JHA
ORAL ORDER

3 01-08-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Tajpur (Halai OP) P.S. Case No. 413 of 2021, registered for the alleged offences under Sections 30 (a) and 41 (ii) of the Bihar Prohibition and Excise Act, 2016 and Section 420 of the Indian Penal Code.

As per the prosecution case, total 155 liters of India made foreign liquor was seized from a truck and its driver and the cleaner were apprehended, who disclosed the name of the petitioner as supplier of the illicit liquor.



Learned counsel appearing on behalf of the petitioner submits that the name of the petitioner came up in the confessional statement of the co-accused, which have no legal sanctity. The petitioner is physically handicapped person and due to some surgery, he is bedridden and continuously remained on bed. The co-accused Randhir Rai has been granted anticipatory bail by a Coordinate Bench of this Court in Cr. Misc. No. 16750 of 2022. The charge sheet has been submitted in this case and the petitioner is in custody since 28.04.2022.

Learned counsel for the petitioner further submits that this petitioner was earlier granted provisional bail on account of death of his mother, but he could not furnish bail bond as one of the conditions was that a bailor would be a close relative of the petitioner preferably his parents.

Learned APP opposes the prayer for bail submitting that the petitioner is having long criminal history of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the charge sheet has been submitted in this case and the petitioner is in custody since 28.04.2022, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 2, Samastipur, in connection with Tajpur Halai P.S. Case No. 413 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit in this case and another will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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