

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37504 of 2022**

Arising Out of PS. Case No.-109 Year-2019 Thana- SIWAIPATTI District- Muzaffarpur

Sanjay Ray Son Of Newalal Ray R/O-Village- Belailachhi, Post- Siwaipatti,  
P.S.- Minapur, Dist.- Muzaffarpur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate.  
For the Opposite Party/s : Dr.Mrityunjaya Kr. Gautam, APP.

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

2      07-09-2022                      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. Prabhat Kumar Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Siwaipatti P. S. Case No. 109 of 2019 registered for the offences punishable under Sections 272, 273, 420 read with 34 of the Indian Penal Code and Section 30, 30



(a) of the Bihar Prohibition and Excise Act,2016.

As per the prosecution case, it is alleged that the police on a secret information tht at the door of co-accused Kishori Sah liquor is being unloaded from a truck, rushed to the place of occurrence, however, on noticing the police party other co-accused persons succeeded to flee away and one Mandeep Singh, driver of the truck was apprehended. It is also submitted that he disclosed the name of the various persons including the petitioner. On search, total 1026 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from person or possession of the petitioner. It is next submitted that the petitioner has neither any concern with the vehicle nor with the recovered illicit wine and save and except disclosure made by the apprehended persons, there is no other material suggesting complicity of the petitioner. It is further submitted that similarly situated co-accused persons, namely, Sunil @ Meth@ Sunil Kumar and Kishori Shah have already been granted bail by learned co-ordinate Benches of this Hon'ble Court.



On the other hand, learned APP for the State opposes the bail application.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession and save and except the disclosure made by the apprehended persons, there is no other material and moreover, having fair antecedent, is in custody since 14.04.2022, 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, Exclusive Special Excise Court No. I, Muzaffarpur in connection with Siwaipatti P. S. Case No. 109 of 2019, 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)

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