

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38430 of 2022

Arising Out of PS. Case No.-159 Year-2021 Thana- RAGHOPUR District- Supaul

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Samar Kumar Ghosh @ Samar Ghosh Son Of Sukumar Ghosh R/O 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. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through
video conferencing.

Petitioner seeks bail in a case registered in
connection with Raghapur P.S. Case No. 159 of 2021 for
the offences punishable under Sections 30(a), 38(1), 41(1)
of the Bihar Excise (Prohibition) Amendment Act, 2016.

As per the prosecution case, the police on a secret
information that accused persons are engaged in unloading
of truck, which is full of liquors near Kushwaha Rice Mill,



Daulatpur, on the aforesaid information raid was conducted. However, on noticing the police party other accused persons succeeded to flee away and two persons namely, Prakash Ranjan Yadav and Vikash Kumar Yadav were apprehended at the spot. It is further alleged that the apprehended persons disclosed the name of the petitioner and others.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner but only because of the past criminal antecedent, his name has been implicated in this case. He further submits that co- accused persons, who were apprehended at the spot have already been granted bail by the learned court below itself and one another co-accused person namely Arun Kumar Jaiswal @ Arun Choudhary has been granted bail by this Court in Cr. Misc. No. 32131 of 2022 vide order dated 26.08.2022. He submits that investigation of the crime is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application and submits that petitioner



has multiple criminal antecedent.

Regard being had to the submission of the parties and considering the fact that petitioner was neither arrested at the spot nor any incriminating material has been recovered from persons or possession and save and except the disclosure made by the accused persons, there is no other material suggesting the complicity of the petitioner and he is in custody since 06.05.2022, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-II, Supaul in connection with Raghapur P.S.Case No. 159 of 2021 subject to the condition that one of the bailors will be the close relatives 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.

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

(Harish Kumar, J)

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