

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38036 of 2022

Arising Out of PS. Case No.-93 Year-2020 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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Sanjay Ray @ Sanjay Kumar Son Of Puran Ray R/O Village- Korbaddha, P.S.-
Muffasil, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shama Sinha, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Samastipur (Muffasil) P.S. Case No. 93 of 2020 lodged under
Section 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2016.

As per the prosecution case, total recovery of 449.280
litres foreign liquor made from a Bolero vehicle.

Learned counsel for the petitioner submits that
petitioner is neither the driver nor the owner. His name has
come on the confessional statement of co-accused. He further

submits that his antecedent is clean and in custody since 11.06.2022. He further submits that co-accused Mukesh Kumar has been granted bail by the Co-ordinate Bench of this Court dated 14.05.2020 arising out of Cr. Misc No. 18725 of 2020.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court- I, Samastipur in connection with Samastipur (Muffasil) P.S. Case No. 93 of 2020, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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