

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41674 of 2022

Arising Out of PS. Case No.-158 Year-2021 Thana- GANGABRIDGE District- Vaishali

Suhag Ray, Son of late Shyam Bahadur Ray Resident of Village- Litiyahi,
P.S.- Raghapur (Rustampur O.P.), District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 28-09-2022 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. Anish Chandra, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Ganga Bridge P.S. Case No. 158 of 2021, for the offences punishable under Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code and Sections 30(a), 36, 41(i) of the Bihar Prohibition of Excise Act.

The allegation against the petitioner is to be engaged in trade of illicit wine. The police on a secret information intercepted a truck bearing registration No. BR-01GE-3501 and one person was also apprehended. It is further alleged that one



Pick-Up Van was also intercepted bearing registration No. BR-09R-1423 and on search from the truck total 2259.720 litres of Indian made foreign liquor and 3060.720 litres of Indian made foreign liquor was recovered from Pick-Up Van. The apprehended truck driver, Shambhu Paswan, disclosed that the liquor was brought at the instance of the petitioner and other co-accused persons.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at spot nor any incriminating material has been recovered and save and except the disclosure made by the truck driver, there is no material against the petitioner suggesting his complicity in the present crime. He further submits that in fact on account of his past criminal antecedent, his name has been regularly being implicated in such kind of cases and the present case is also an instance of high handedness of the police. It is also submitted that the petitioner has neither any concern with the vehicles nor with the illicit wine, which were recovered from the place of occurrence. He lastly submits that the petitioner is in custody since 29.03.2022 and, moreover, after completion of investigation, charge-sheet has been submitted.

On the other hand learned APP for the State



vehemently opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his person or possession and, moreover, save and except the disclosure made by the apprehended person, there is no material against the petitioner and, moreover, criminal antecedent of the petitioner cannot be a sole ground to keep him behind the bar for an indefinite period, 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.-I-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 158 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 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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