

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4088 of 2021**

Arising Out of PS. Case No.-150 Year-2020 Thana- MADHWAPUR District- Madhubani

SANTOSH RAY S/o Dashrath Ray R/o village- Balwa, P.S.- Madhwapur,
Distt.- Madhubani

... .. Appellant/s

Versus

1. The State of Bihar
2. Bilat Paswan Late Gopal Paswan Village-Haripatti Nahar Kinar,P.S-
Bahadurpur,District-Darbhangra

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Shailendra Kumar Jha, Adv.
For the Respondent/s : Mr.Sadanand Paswan, Spl.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 18-01-2022 Heard the parties through virtual mode.

This is an appeal under section 14A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer for bail vide order dated 03.09.2021 passed by learned Additional Sessions Judge-II cum-Special Judge, Excise Act, Madhubani, in connection with Madhwapur P.S. Case No.150 of 2020, corresponding to G.R. No.1678/2020, registered under sections 272, 273, 341, 342, 323, 353, 188, 379, 504, 506/34 of the IPC, sections 30(a), 45 of Bihar Prohibition and Excise Amendment Act 2018 and sections 3(i)(x)/3(2)(va) of the SC/ST Act.



The allegation against the appellant is that he along with one co-accused are engaged in the business of illegal liquor, they were apprehended at Balba chowk and villagers reached there for their rescue. It is alleged that the, FIR named accused persons have assaulted the police to set free the apprehended accused. On search, 69.67 liters of illicit liquor has been recovered from the bicycle of the co-accused.

It is submitted by learned counsel for the appellant that no such occurrence in the manner as alleged has ever taken place. Appellant is quite innocent and has been falsely implicated in the case due to village rivalry. There is no specific allegation levelled against the appellant rather the allegations are general and omnibus in nature. No incriminating article has been recovered from the conscious physical possession of the appellant. The appellant has no concern with the alleged recovered liquor or any trade of liquor. The said recovery has been made from the bicycle of the co-accused. Several similarly situate co-accused persons have been enlarged on bail by different co-ordinate Benches of this court (Annexure-2 series). The appellant has been languishing in custody since 10.08.2021 and has one criminal antecedent, as also mentioned in para-3 of the memo of appeal.



Learned Spl. PP for the State opposed the prayer for bail.

Appellant is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail, on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum-Special Judge, Excise Act, Madhubani, in connection with Madhwapur P.S. Case No.150 of 2020, corresponding to G.R. No.1678/2020.

The bail bond of the petitioner shall be accepted by the learned Court below on showing the receipt of deposit of Rs.10,000/- (Rupees Ten Thousand) in Juvenile Justice Fund.

The impugned order is accordingly set aside and the appeal is allowed.

(Anjani Kumar Sharan, J)

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