

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51083 of 2022

Arising Out of PS. Case No.-254 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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Santosh Ray S/O Ram Sakal Ray Resident of village- Darhia Asadhar, P.S.-
Angarghat, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Samastipur Excise P.S. Case No. 254 of 2022 lodged under
Section 30(a) of Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, the total recovery of 477
litre wine has alleged to be made from the Pickup Van of which
the petitioner was alleged to be the driver but not apprehended
from the place of occurrence rather police has arrested him upon
chase.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. Learned counsel submits that the entire search made by the police is absolutely illegal and complete violation of Section 100 of Cr.P.C. Learned counsel submits that he is in custody since 09.08.2022, charge sheet has already been filed in this case. Learned counsel submits that there are 3 criminal cases pending against him in which in some cases, he is on bail and in some cases, he is persuading for bail.

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 Judge Excise No.2 Samastipur in connection with Samastipur Excise P.S. Case No. 254 of 2022, 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 be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship 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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