

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51538 of 2022**

Arising Out of PS. Case No.-455 Year-2021 Thana- BIBHUTIPUR District- Samastipur

SUNIL RAY S/O SAHDEO RAY Resident of village- Chak Habib, Ward No-13, P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi

For the Opposite Party/s : Mr.Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 30-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Bibhutipur P.S. Case No. 455 of 2021 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act(Amendment) Act, 2016.

As per prosecution case, there is alleged recovery of total 1029.600 litre illicit English wine from the Bamboo Clamp. Local Chaukidar disclosed the name of petitioner and others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is in custody since 27.05.2022 and bears criminal



antecedent of two cases in which one case is of similar nature. He further submits that nothing has been recovered from the conscious possession of the petitioner and the alleged recovery has been made from Bamboo clamp of Chandrashekhar Singh for which the petitioner is nothing to do. He also submits that petitioner is not apprehended on the spot. He further submits that co-accused Ranjit Kumar and Sanjeev Kumar have already been granted anticipatory bail vide Cr. Misc. No. 13836 of 2022 and Cr. Misc. No. 13876 of 2022 respectively and the case of present petitioner stands on better footing as petitioner is in jail custody.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge, Excise, Samastipur in connection with Bibhutipur P.S.



Case No.455 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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