

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51580 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

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Ripunjay Mishra, Son Of Chakrpani Mishra, R/O Village- Umapur, Ward
No.-1, Post- Umapur, P.S.- Bhagwanpur, District- Kaimur, Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar,A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Samastipur Rail P.S. Case No. 91 of 2022
registered for the alleged offences under Section 30(a) of the Bihar
Excise and Prohibition Amendment Act, 2018.

As per prosecution case, recovery of 106.855 liters of
India made foreign liquor and 500 ml of beer was made from the
pantry car of the Delhi-Jaynagar Garib Rath, in which the
petitioner has been working as the manager of the pantry car. The
petitioner was apprehended from the spot.

Learned counsel for the petitioner submits that

petitioner is innocent and has been falsely implicated in this case. Learned counsel for the petitioner further submits that the petitioner is merely a staff of the pantry car and the management of the pantry car is in the hand of one Sopan Restaurant since it is having the contract for the same. The staffs of the pantry car are allowed to keep their bags in the pantry car where they have been allotted some space. It is also the admitted case of the prosecution that only 750 ml of India made foreign liquor was recovered from the shoulder bag of the petitioner. Further, recovery from the pantry car has not been made from the conscious possession of the petitioner. Moreover, nothing further was found in the shoulder bag of the petitioner to show that it belonged to the petitioner and not to any other employee. Learned counsel further submits that the police party has not obtained the signature of any of the authorities including the ticket collector present in the train on the seizure list and the antecedent of the witnesses is doubtful who witnessed the seizure list. Charge sheet has been submitted in this case and the petitioner is in custody since 30.05.2022. The petitioner has got no criminal history.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise)-2, Samastipur in connection with Samastipur Rail P.S. Case No. 91 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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