

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55262 of 2022

Arising Out of PS. Case No.-392 Year-2022 Thana- BHAGWAN BAZAR District- Saran

Sohan Ray, S/o Lalan Ray, R/o village- Naya Basti, Brahampur Pul, P.S.-
Bhagwan Bazar, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate

For the Opposite Party/s : Mr.Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-11-2022 Heard learned counsel for the petitioner and learned
APP 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 Bhagwan Bazar P.S. Case No. 392 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information about petitioner and other co-accused persons
bringing huge quantity of country made liquor by a tempo. The
said tempo, being driven by co-accused Vikash Rai, was
intercepted. The petitioner was apprehended from the said
tempo and on search of the tempo, total 200 litres of country



made liquor was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession. The petitioner is neither the owner nor the driver of the vehicle in question and the petitioner has got no concern with the allegedly seized country made liquor. Petitioner has never indulged in illicit trade of liquor. Learned counsel further submits that on the fateful day the petitioner was passing through the way but the informant caught hold of the petitioner in confusion and booked him in the present case. The petitioner is in custody since 14.08.2022 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner along with his period of custody and submission of charge-sheet, 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 2nd Additional District



and Sessions Judge-cum-1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 392 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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