

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55501 of 2022

Arising Out of PS. Case No.-171 Year-2022 Thana- SAMASTIPUR District- Samastipur

Ramdarwes Ray Son Of Dorik Ray, Resident of Village and P.O.- Jitwarpur
Chauth, Ward No.- 06, P.S.- Town Thana- Samastipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anwar Karim, Advocate

For the Opposite Party/s : Md. Anbzarul Haque Sahara, 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), if any, 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 Town P.S. Case No. 171 of 2022
registered for the alleged offences under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018 and Section
25(1-B)(a), 26, 35 of the Arms Act.

As per prosecution case, recovery of 18 liters of India
made foreign liquor along with a loaded country made pistol
and one live cartridge were made from the petitioner, who was
apprehended from the spot.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case by the police in connivance with a big liquor *mafia* whose truck loaded with illicit liquor was seized by the police and F.I.R. of Mufassil P.S. Case No. 460 of 2021 has been lodged. The petitioner was threatened by the liquor *mafia* and brutally assaulted by him for being informer of the police and for this occurrence friend of this petitioner, namely, Anil Kumar has lodged F.I.R. of Mufassil P.S. case No. 269 of 2022. Thereafter, coming to know about the lodging of F.I.R. of Mufassil P.S. Case No. 269 of 2022, a gang of six persons again came to house of this petitioner and petitioner and his wife were again threatened and thereafter Mufassil P.S. Case No. 341 of 2022 has been lodged against the said persons. Learned counsel further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he was brutally assaulted and left at the road in unconscious state and allegedly recovered articles were planted on him. The petitioner is in custody since 26.06.2022 and 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



submission of charge-sheet and the period of custody of the petitioner along with his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.-I, Samastipur in connection with Samastipur Town P.S. Case No. 171 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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