

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55492 of 2022

Arising Out of PS. Case No.-180 Year-2022 Thana- MOHAMMADPUR District- Gopalganj

Sanjay Ray Son of Surendra Ray @ Surandar Ray R/V- Maguripatti, P.S-
Pataherwa, Dist- Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhramveer, Advocate

For the Opposite Party/s : Mr. Pushpa Sinha, 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 Mohammad P.S. Case No. 180 of 2022
registered for the alleged offences under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, recovery of 212.4 liters of
India made foreign liquor was made from the vehicle being
driven by this petitioner.

Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. No occurrence as alleged has ever taken place. Nothing



incriminating has been recovered from the conscious possession of the petitioner. The seizure list is highly doubtful as it is signature of any independent witness. The liquor was allegedly recovered on 28.07.2022 and the seizure list was prepared on 29.07.2022. The petitioner is the owner and driver of the seized Bolero vehicle and on the date and time of search he had been going to Gopalganj and on his way the police party intercepted the vehicle and demanded bribe from him and failing to oblige, he has been falsely implicated. The petitioner is in custody since 30.07.2022 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having one criminal antecedent.

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, he 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. 1, Gopalganj, in connection with Mohammad P.S. Case No. 180 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)

Ashish/-

U		T	
---	--	---	--

