

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58941 of 2022

Arising Out of PS. Case No.-301 Year-2021 Thana- KALYANPUR District- Samastipur

Chandan Ray @ Chandan Kumar S/O Sukdeo Ray @ Sukhdeo Ray @
Sukhdev Ray @ Sukha Ray, Resident of village- Ajana, P.S.- Kalyanpur,
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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 Kalayanpur P.S. Case No. 301 of 2021 (Excise
G.R. No. 1087 of 2021) registered for the alleged offences
under Sections 30(a) and 41(i)(ii) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

As per prosecution case, police received secret
information about petitioner and other co-accused persons
having brought huge quantity of illicit India made foreign liquor
in a container trading it and storing it in the bamboo clumps of

one Rajo Mahto. A raid was conducted and the persons preset at the place of occurrence escaped. Recovery of 1824.00 liters of India made foreign liquor was made from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner is neither the owner nor the driver of the alleged container and the alleged container was parked in the bamboo and mango orchard and that orchard belongs to Rajo Mahto. Charge sheet has been submitted in this case and the petitioner is in custody since 12.04.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioner, 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 Excise Court 1, Samastipur in connection with Kalyanpur P.S. Case No. 301 of 2021 (Excise G.R. No. 301 of 2021), 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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