

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60081 of 2022

Arising Out of PS. Case No.-358 Year-2019 Thana- BAKHTIYARPUR District- Patna

Jyoti Kumar @ Jyotish Ray @ Jotish Ray, Son of Brij Ray @ Pramod Ray,
Resident of Village - Dadaur, P.S.- Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Special Case No. 10421 of 2019 arising out of Bakhtiyarpur P.S. Case No. 358 of 2019 registered for the alleged offences under Section 414 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

As per prosecution case, police received secret information about transportation of large consignment of illicit liquor on a pick-up van. A trap was laid and the pick-up van was intercepted. Three persons coming on a motorcycle behind the said pick-up van fled away from the spot leaving behind the motorcycle when the pick-up van was intercepted. On search of the pick-up van recovery of 855.36 litres of India made foreign liquor was made. Petitioner is said to be one of the persons who



was on the motorcycle and escaped on seeing the police party.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has nothing to do with the pick-up van or the motorcycle or the liquor seized by the police. Petitioner was not apprehended from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has been named in this case on the basis of his identification in the street light but the petitioner's parentage has been wrongly mentioned. The petitioner is son of Pramod Ray and his name is Jyotish Ray but he has been named as Jyoti Kumar and son of Biraj Ray. This person Biraj Ray is also the residents of the same village. The petitioner is made accused in this case merely on suspicion. Other co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 02.03.2020 passed in Cr. Misc. No. 13242 of 2020, order dated 11.06.2020 passed in Cr. Misc. No. 5615 of 2020, order dated 05.07.2021 passed in Cr. Misc. No. 24254 of 2021 and order dated 07.10.2021 passed in Cr. Misc. No. 37015 of 2021. The petitioner is in custody since 15.09.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent of similar nature.

Having regard to the submissions made hereinabove and



considering the grant of bail to other co-accused persons and further considering the period of custody of the petitioner along with submission of charge-sheet against him, 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 Act, Barh, Patna in connection with Special Case No. 10421 of 2019 arising out of Bakhtiyarpur P.S. Case No. 358 of 2019, 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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