

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64176 of 2023

Arising Out of PS. Case No.-29, Year-2017, Thana- Sonepur, District- Saran

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Dhirendra Kumar Ray, Son Of Nagendra Ray @ Gajendra Ray, Resident Of
Village Sabalpur, Hasti Toal, P.S. Sonpur, District Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Sanjeev Kumar, learned counsel

appearing on behalf of the petitioner and Ms. Pronoti Singh,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sonepur P.S. Case No. 29 of 2017, registered for the
offences punishable under Sections 272, 273, 274 of the Indian
Penal Code and Sections 30(a), 33, 33(a), 34, 41, 47, 52 of
Bihar Prohibition and Excise Act, 2016.

3. In course of patrolling, on suspicion, the police
started searching the boat. On noticing the police party, some of
the persons succeeded in fleeing away, however, one of them
was caught at the spot by the police personnel. On search, total
150 litres of country made liquor was recovered. The
apprehended person disclosed the name of the petitioner and
others. It is further alleged that two motorcycles have also been



seized in course of raid.

4. It is submitted in behalf of the petitioner that admittedly the occurrence took place in the year 2017, but at no point of time any process has been served upon the petitioner. That apart, the name of the petitioner has been surfaced on the disclosure made by the apprehended co-accused person and since the petitioner was not knowing the fact of the implication of his name in the present crime, thus, he could not take any remedy available under law. He next submits that the petitioner has neither any concern with the motorcycles, which are said to have been seized from the place of occurrence nor with the boat and the illicit country made liquor, moreover, he is having fair antecedent.

5. On a query made by this Court, with regard to the present position, it has been submitted, on the instruction of his client, that till date no process under Section 82/83 of the Cr.P.C. has been issued.

6. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the case is of 2017 and the petitioner is evading his arrest and, as such, he does not deserve the privilege of anticipatory bail.

7. Regard being had to the submissions made on



behalf of the parties and considering the fact that the name of the petitioner surfaced on the disclosure made by the apprehended co-accused person and the petitioner has no concern with the motorcycles and other materials, which were seized at the place of occurrence, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 2nd Exclusive Special Excise Judge, Saran at Chapra in connection with Sonapur P.S. Case No. 29 of 2017, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

8.It is made clear that before accepting the bail bond of the petitioner, the Court will verify the fact as to whether the process under Section 82/83 Cr.P.C. has been issued or not. If the same has not been issued, only in such circumstances his bail bond would be accepted.

(Harish Kumar, J)

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