

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69690 of 2023

Arising Out of PS. Case No.-243 Year-2023 Thana- SARAI RANJAN District- Samastipur

Sanjay Ray @ Sanjay Kumar Ray, Son Of Late Lakhan Ray, Resident Of
Village - Bhagwatpur, Ward No.2, P.S. - Sarairanjan, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sarairanjan P.S. Case No. 243 of 2023, registered for the alleged offences under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police received secret information about co-accused Ravi Mahto selling illicit India made foreign liquor from his hut. A raid was conducted but the co-accused Ravi Mahto and Rajendra Mahto are stated to have fled away from the spot. From the bag left behind by them, 9 liters of India made foreign liquor was recovered. Thereafter, on further search at about 100 meters from the hut, the police found 2-3 persons were confabulating and they succeeded to flee away from the spot. From the said spot, recovery of 132.15 liters of



India made foreign liquor was made. The petitioner is one of the escaped persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The place from where recovery has been made belongs to co-accused Ravi Mahto with whom the petitioner has no concern. The petitioner has further no concern with recovery shown and he is not involved in illicit trade of liquor. The petitioner has been named in this case on saying of some persons inimical to him. The recovery has been made from a place which was 3 KM apart from the house of the petitioner. Admittedly, nothing incriminating has been recovered from the person/possession of the petitioner and his name has come only at the instance of *Chaukidar* of the village. The petitioner is in custody since 05.09.2023. The petitioner is having criminal antecedent of one case, but he is on bail in that case.

5. Learned A.P.P. opposes the submissions made on behalf of the petitioner.

6. Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him, he 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 Court No.02, Samastipur, in connection with Sarairanjan P.S. Case No. 243 of 2023, 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)

V.K.Pandey/-

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