

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73428 of 2022

Arising Out of PS. Case No.-371 Year-2022 Thana- TAJPUR District- Samastipur

AMRESH RAY, Son Of Darveshwar Ray, R/O Village- Vyaspur Sarangpur,
P.S.- Tajpur (HALAI O.P.) District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through virtual mode, as per current procedure for hearing.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in connection with Tajpur (Halai O.P) P.S. Case No. 371 of 2022 registered under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise (Amendment) Act.

On receiving secret information regarding trade of illicit liquor by the petitioner and others, police has reached the place to verify the information from where there is alleged recovery of 203.040 litres foreign liquor.

It is submitted by learned counsel for the petitioner that recovery is from agricultural field of co-accused Rajeev Kumar Ray. There is no material to connect the petitioner with alleged recovery.



Recovery is denied and disputed by learned counsel for the petitioner. It is submitted that recovery is not in accordance with law and investigation is complete. Having clean antecedent, he is stated to be in custody since 19.10.2022.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, period of custody, clean antecedent and the fact that investigation is complete, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned special Judge Excise Court-02, Samastipur in Tajpur (Halai O.P) P.S. Case No. 371 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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