

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1638 of 2023

Arising Out of PS. Case No.-112 Year-2021 Thana- WARISNAGAR District- Samastipur

Amarjeet Ray @ Kanhaiya Ray S/O Late Ramdayal Ray @ Vegab Ray
Resident of village- Chhotki Kishanpur Baikunth, P.S.- Warisnagar, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 25-04-2023 1. Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Warisnagar P.S. Case No. 112 of 2021 dated 15.05.2021 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.
4. The main submissions advanced by learned counsel for petitioner are that though the instant matter relates to the recovery of 110 litres of Indian made liquor but as per the seizure memo the said wine was recovered from the *bamboo*

garden of the co-accused Dinesh Rai and the same was not recovered from the possession of this petitioner who has been languishing in jail since 29.10.2022 and similarly situated co-accused person Bhola Mandal @ Santosh Mandal has been granted Anticipatory Bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 14047 of 2022 and against the petitioner there is criminal antecedent of one case in which he is on bail.

5. Learned APP for the State has opposed the bail prayer of the petitioner.

6. Considering the above submissions and mainly the facts that the alleged seized wine was recovered from the *bamboo garden* of the co-accused Dinesh Rai and the petitioner was not apprehended at the spot and one similarly situated co-accused person mentioned above is on bail, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Warisnagar P.S. Case No. 112 of 2021.

(Shailendra Singh, J)

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