

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27636 of 2024

Arising Out of PS. Case No.-514 Year-2022 Thana- TAJPUR District- Samastipur

Rajiv Kumar Ray S/O Raghubir Ray @ Raghibir Ray R/O Village-
Vikrampur, P.S- Tajpur (Halai O.P.), Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap

For the Opposite Party/s : Mr. Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Tajpur (Halai O.P.) P.S. Case No. 514/2022 registered for the offences punishable under Sections 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, the informant got secret information that petitioner and others brought liquor from the pick-up van to sell the liquor. Thereafter, the informant alongwith police official reached on the spot and after seeing the police team petitioner and other fled away from the place of occurrence. 90 liter foreign liquor was recovered from the Wagon R car in question and 795.360 liter was also recovered



from Mahindra Bolero pick-up van in question.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 12.03.2024 and bears criminal antecedent of five cases out of which he is on bail in four cases. He further submits that the petitioner is not the owner of any of the alleged vehicles in question. He further submits that on similar and identical allegation, co-accused Nitin Ranjan @ Chotu Thakur has already been granted bail by this Court vide Cr. Misc. No.80659/2023 and on the principle of parity, petitioner also deserves bail. The petitioner is not apprehended on the spot.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot and co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of Subordinate Court, learned Special Judge, Excise-II, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 514/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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