

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32692 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- SHAHPUR PATORI District- Samastipur

Avinash Kumar SON OF RAM ISHWAR RAY RESIDENT OF VILLAGE-
BAGHARA, (MOHANPUR OP) SHAHPUR PATORI PS, SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Binod Kumar No. 3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 09-08-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Shahpur Patori (Mohanpur OP) P.S. Case No. 216 of 2022 dated 08.06.2022 registered for the offence(s) punishable under Section(s) 272, 273 read with section 34 of the I.P.C. and section 30(a) of the Bihar Prohibition & Excise Act.

3. Mr. Piyush Kumar Pandey, learned counsel for the petitioner submits that the instant matter relates to the recovery of 148.68 litres of foreign liquor from the house (*Bathan*) of co-accused, Santosh Kumar, who has been granted bail by a co-ordinate Bench of this court vide order dated 25.02.2023 passed in Cr. Misc. No. 74802/ 2022 and in the F.I.R. the name of this petitioner has been included on the basis of secret information which is said to have been received by the police officer concerned and except this, there is no material against this petitioner and the case of this petitioner stands on better footing from the case of co-accused, Santosh Kumar. Further submissions are that another co-accused, namely, Amarnath Rai has also been granted bail by this court vide order dated



25.04.2023 passed in Cr. Misc. No. 1608 of 2023 and petitioner has been languishing in jail since 02.04.2024 and against him investigation has been completed, though, against the petitioner there is criminal antecedent of two cases but he has got bail in both the cases.

4. Mr. Binod Kumar No.3, learned APP has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the fact that petitioner’s case stands on better footing from the case of co-accused, Santosh Kumar, who is on bail, coupled with the completion of investigation against him, this court is inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail in connection with Shahpur Patori (Mohanpur OP) P.S. Case No. 216 of 2022 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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