

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34172 of 2024

Arising Out of PS. Case No.-212 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Santosh Kumar Ray, Aged about 30 years (Male), Son Of Pramod Ray @
Rampramod Roy, R/o Village- Morva, P.S.- Tajpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody in connection with
Musrigharari P.S Case No. 212 of 2023 registered for the
offences punishable under Sections 30(a), 32, 41(i) of Bihar
Prohibition and Excise Act.

3. As per prosecution case, total 3510 liters of illicit
liquor was recovered from the tanker vehicle.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in this
case merely on the basis of confessional statement of the
arrested person namely, Santosh Mahto. He has no concerned
with alleged recovered liquor and vehicle. Neither the petitioner



was arrested on the spot nor any incriminating article has been recovered from his conscious possession. Petitioner has got no criminal antecedent as stated in para-3 of the petition. The co-accused Santosh Mahto on whose confessional statement name of the petitioner has come in this case, has already been granted bail by this Court vide order dated 18.03.2024 passed in Cr. Misc. No. 19482 of 2024. Moreover, he is in judicial custody since 07.04.2024.

5. However, learned APP for the State oppose the prayer for regular bail of the petitioner.

6. On perusal of the FIR, impugned order and also considering the aforesaid facts and circumstances of the case and submissions made on behalf of the petitioner, let the above named petitioner be released on bail *after framing of the charge* on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1, Samastipur in connection with Musrigharari P.S Case No. 212 of 2023.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 days from the date of receipt of a copy of this order. However, it is made clear that if the charge-sheet has not



been submitted then the petitioner shall be released on bail on the above conditions and he shall be present physically on each and every date before the trial court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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