

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36956 of 2024

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

Karu Ray Son of Darveshwar Ray Resident of Vilage- Bikrampur, P.S. -
Halai, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap, Adv.

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners 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 of 2022 registered for the
offences punishable under Sections 272, 273, 34 of the Indian
Penal Code read with section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act.

3. As per prosecution case, on basis of the secret
information that petitioner and other accused persons are said to
have brought illicit liquor through a pick-up van. The informant
along with police officials proceeded towards the spot. On
seeing police team petitioner and others fled away from the
place of occurrence. Upon search, 90 liters illicit liquor was
recovered from Wagon R vehicle and 729.36 liters illicit liquor
was recovered from Bolero pick-up van.

4. Learned counsel for the petitioner submits that petitioner is neither the owner nor the driver of the vehicle which were seized at the place of occurrence. Petitioner is said to have been falsely implicated in this case. It is further submitted that from perusal of the first information report it appears that it does not disclose as to who was the person who has disclosed the name of the petitioner and others, therefore, authenticity of the F.I.R. is doubtful. Petitioner is having criminal antecedent of three cases in which he is on bail in two cases except one Tajpur (Halai O.P.) P.S. Case No. 371 of 2022. Petitioner is in custody since 23.04.2024. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co-accused Nitin Ranjan @ Chotu Thakur has been granted bail by this Court vide order dated 21.12.2023 passed in Cr. Misc. No. 80659 of 2023 and the case of the petitioner stands on similar footing.

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

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the

prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Special Judge Excise II, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 514 of 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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