

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41522 of 2024

Arising Out of PS. Case No.-371 Year-2022 Thana- TAJPUR District- Samastipur

Karu Ray S/O Darveshwar Ray Resident of Vill- Bikrampur, P.S- Halai,
District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 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. 371 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, 203.040 litre foreign liquor was recovered from the field of the co-accused Rajeev Kumar Ray. It is alleged that the petitioner and others are said to have brought the illicit liquor and kept in the field of co-accused Rajeever Kumar Ray. The petitioner was not apprehended on the spot.

4. Learned counsel for the petitioner submits that



petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. He has falsely been implicated in the present case merely on the basis of secret information. Except secret information, there is nothing on record to demonstrate the complicity of the present with the alleged occurrence. No incriminating article has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 03.05.2024 and bears criminal antecedent of three cases in which he is on bail. 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. 83047 of 2023 and on the principle of parity, the petitioner also deserves bail. Seizure list has not been made as per law.

5. The learned A.P.P. for the State opposes 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, 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 bond of Rs.



10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Subordinate Court, Learned Special Judge Excise – II, Samastipur in connection with Tajpur (Halai O.P.) P.S. Case No. 371 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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