

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45254 of 2024

Arising Out of PS. Case No.-13 Year-2024 Thana- ANGARGHAT District- Samastipur

Santosh Ray S/O Ramsakal Ray R/O Village-Dadhiya Asadhar,Rajeshwar
chowk,P.S.-Angharghat,Distt-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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 Angharghat P.S. Case No. 13 of 2024 registered for the offences punishable under Sections 30(a), 41(i) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per prosecution case, during course of raid it was informed that petitioner and others are engaged in the business of illicit foreign liquor, police reached the place of occurrence, on seeing police, all the 5-6 persons standing there escaped away. On search police recovered total 3908.55 liters of illicit foreign liquor from one Haiwa truck and 3 cars.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as

alleged in the first information report. Petitioner's name has come in this case on basis of secret information but the first information report does not disclose the source of such information, and as such, the authenticity of the F.I.R. is doubtful. Petitioner is having criminal antecedent of six cases and because of having criminal antecedents he has been falsely implicated in the present case. Petitioner has no concern with the recovered articles and the vehicles in question does not belong to this petitioner. Seizure has not been made as per law. Further, co-accused Ashok Ray has been granted bail by this Court vide order dated 28.05.2024 passed in Cr. Misc. No. 34861 of 2024 and the case of the present petitioner stands on better footing as petitioner is in custody since 09.05.2024.

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, argument advanced on behalf of both sides and the 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 Exclusive Special Judge, Excise, 1st, Samastipur in connection with

Angharghat P.S. Case No. 13 of 2024, 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 tamper 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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