

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63572 of 2024

Arising Out of PS. Case No.-19 Year-2023 Thana- AKILPUR District- Saran

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Ganga Sagar Ray @ Ganga Sagar son of Ganesh Ray Village- Kashim Chak,
PS- Akilpur Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Akilpur P.S. Case No. 19/2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. As per prosecution case, there is alleged recovery
of total 200 liters country made liquor from Kashim Chak
Diyara. The apprehended co-accused Vishal Kumar disclosed
the name of petitioner who fled away from the place of
occurrence.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not apprehended on the spot and nothing



has been recovered from the conscious possession of the petitioner. The alleged place does not belong to the petitioner. The petitioner is languishing in custody since 07.05.2024 and bears criminal antecedent of three cases. He further submits that except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that there is no compliance of Section 100 Cr.P.C. Co-accused Vishal Kumar upon whose confession the name of petitioner surfaced in this case, has already been granted bail by this Court vide Cr. Misc. No.25959/2023 and the case of present stands on better footing.

5. The learned A.P.P. for the State vehemently opposed 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Ist Exclusive Special Judge, Excise,



Saran at Chapra in connection with Excise Trial No.2089/2023 arising out of Akilpur P.S. Case No. 19/2023, 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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