

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60879 of 2024

Arising Out of PS. Case No.-158 Year-2024 Thana- DALSINGHSARAI District- Samastipur

Ramswarth Rai @ Sogarath Ray @ Sogarat Ray Sonf of Ram Udgar Ray @
Ramudgar Ray Resident of Village - Gado Bajitpur, Police Station -
Dalsinghsarai, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-09-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Dalsinghsarai P.S. Case No. 158 of 2024 for the offence under Section 30(a) of the Bihar Prohibition and Excise Act lodged on 19.05.2024 by the informant, Subodh Kumar.

3. As per the prosecution story, the informant alleged that upon secret information that this petitioner alongwith Sunil Ray have kept liquor near Kali Chawk for selling, reached the said place when two persons tried to escape. Sunil Ray was apprehended and he gave the name of this petitioner as the person who escaped. Further, from the said place, near the sand, the recovery of 6.750 liters of foreign liquor was made which followed the FIR.

4. Learned counsel for the petitioner submits that only



because he has criminal antecedent has been implicated. Admittedly, nothing has been recovered from his conscious possession and the police has forced the arrested person to name him. If granted relief, he will be diligently appear in trial.

5. Learned APP opposes the prayer submitting that his name has come in the confession of the arrested person.

6. Taking into account the submission as also the fact that nothing has been recovered form his conscious possession rather the name has come in the confession of the arrested person, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of Exclusive Court of learned Special Judge, Excise-I, Samastipur in connection with Dalsinghsarai P.S. Case No. 158 of 2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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