

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74103 of 2024

Arising Out of PS. Case No.-359 Year-2024 Thana- SHAHPUR PATORI District- Samastipur

Sanjay Ray @ Sanjay Rai Son of Naresh Ray @ Naresh Rai R/O- Ahlad
Chowk Naughariya Bariyarpur, P.S- Mohanpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Adv.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-10-2024 Heard Mr. Shashank Shekhar, learned counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with Patori P.S. Case No. 359 of 2024 for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise Act, 2022 lodged on 12.09.2024 by the informant, Md. Salauddin Khan.

3. As per the prosecution story, the informant alleged that upon secret information, they went to the alleged place and recovered/seized 105 litre liquor from a tempo. Accordingly, the FIR.

4. It is the case of the petitioner that the tempo does not belong to him, being a passerby, it has been implicated and no such criminal antecedent is/was there against him and the last



submission is that he is in custody since 13.09.2024 (para 5 of the petition).

5. Learned APP, on the other hand opposes the prayer for bail submitting that his name has come in the FIR.

6. Taking into account the submissions put forward by the parties as also that the tempo does not belong to him, as submitted by learned counsel for the petitioner, he do not have criminal antecedent and is in custody since 13.09.2024, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Special Judge, Excise Court- 02, Samastipur in connection with Patori P.S. Case No. 359 of 2024 subject to the following conditions:

(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 six months 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)

Vijay Singh/-

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