

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37312 of 2021

Arising Out of PS. Case No.-668 Year-2019 Thana- KUDHNI District- Muzaffarpur

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RANJEET RAI S/o Ganinath Ray @ Gani Nath Rai R/o village- Jagdish
Kamtaul, P.S.- Kudhani, District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Namrata Mishra, Adv.

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 20-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Necessary correction in the prayer portion of the

main application has been carried out by way of a second

supplementary affidavit filed on behalf of the petitioner and

a specific statement to that effect has been made in

paragraph- 4 of the said affidavit. The aforesaid affidavit is

kept on record.

The petitioner seeks bail in connection with

Kudhani P.S. Case No. 668 of 2019/G.R. No. 1977 of 2019



registered for the offence under Sections 414, 467, 468 and 471/34 of the Indian Penal Code and 30(a), 38(1) and 41(1) of the Bihar Prohibition and Excise Amendment Act.

Recovery is of 5085 liters of illicit liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, nothing has been recovered from the exclusive possession of the petitioner rather the alleged recovery has been made from a pick up van having registration No. BR-06GA-7647 and merely on the basis of confessional statement of the co-accused, namely, Chandan Kumar Sahi and Ashok Kumar Singh, who are said to be drivers of the alleged vehicle, this petitioner has been made accused in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Moreover, the co-accused, namely, Suman Singh, Ashok Kumar Singh, Chandan Kumar Sahi, Rudal Thakur and Tarkeshwary Chaoudhary have been granted bail by different co-ordinate Benches of this Court vide order dated 19.03.2021, 13.05.2020, 17.01.2020, 10.06.2020 and 13.01.2020 passed in Cr. Misc. Nos. 35085 of 2020, 110.34 of



2020, 85596 of 2019, 2034 of 2020 and 80895 of 2019, respectively. The petitioner is rotting in judicial custody since 20.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five more cases other than the present one, which is evident from paragraph-3 of the application.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur in connection with Kudhani P.S. Case No. 668 of 2019/G.R. No. 1977 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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