

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31703 of 2020

Arising Out of PS Case No.-206 Year-2020 Thana- TURKAULIYA District- East Champaran

Ranjit Ray @ Ranjit Kumar, Aged about 25 years, Male, Son of Virendra Ray,
Resident of Village - Parsauna, PS- Turkauliya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shanti Bhushan Singh, Advocate
For the State	:	Mr. Md. Arif, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 09-02-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Shanti Bhushan Singh, learned counsel for the petitioner and Mr. Md. Arif, learned In-charge Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Turkauliya PS Case No. 206 of 2020 dated 04.04.2020, instituted under Sections 30(a), 32 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

4. The allegation in the FIR is that on secret information that the petitioner had kept one countrymade pouch packing machine behind his house in the maize field, recovery was made from the said spot and the local people informed that the same belonged to the petitioner.



5. Learned counsel for the petitioner submitted that the place from which recovery was made, though may be behind the house of the petitioner, but the field belonged to some other person as has been stated in the FIR itself. It was submitted that in the FIR, it has also been mentioned that when the police searched the house of the petitioner, nothing was recovered. Learned counsel submitted that only on suspicion and due to local politics, he has been made an accused in the present case, having no other criminal antecedent.

6. Learned APP submitted that the locals have informed that the pouch packing machine recovered belonged to the petitioner. However, it was not controverted that in the FIR itself, it is mentioned that the field belonged to some other person and also that upon search of the house of the petitioner, nothing was recovered.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below, within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-7th cum Special Judge, Excise,



East Champaran, Motihari in Turkauliya PS Case No. 206 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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