

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.327 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- MOTIPUR District- Muzaffarpur

RANJEET KUMAR @ RANJEET KUMAR RAY S/o Late Lalu Ray @ Lal
Babu Ray R/o Village- Panachhapra, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Jai Prakash Verma, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 09-03-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, in the present case, is seeking regular bail in connection with Motipur P.S. Case No. 42 of 2020 registered for the offence under Sections 353 and 120(B) of the Indian Penal Code and Section 30(a), 41(1) (2) of the Bihar Prohibition and Excise (Amended) Act, 2018.

Learned counsel for the petitioner submits that the informant, who is a police officer, received a secret information of consignment of illicit liquor. When the informant raided the bathan of co-accused, a total of 36 litres of illicit liquor was recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that nothing has been recovered



from the conscious possession of the petitioner rather the recovery of illicit liquor has been made from the bathan of co-accused. Learned counsel submits that the petitioner is in custody since 05.09.2020.

Learned A.P.P. for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein the submission of the learned counsel for the petitioner is that liquor has been recovered from the bathan of the co-accused and nothing has been recovered from the possession of the petitioner, considering the materials noticed by the learned Special Judge, (Excise) in the impugned order and further that this petitioner has got three criminal antecedents of similar nature, this Court directs that on completion of nine months of custody only the petitioner shall be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act Muzaffarpur in connection with Motipur P.S. Case No. 42 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedents 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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands disposed of.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

