

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28052 of 2021**

Arising Out of PS. Case No.-165 Year-2019 Thana- KATRA District- Muzaffarpur

ASHUTOSH RANJAN S/o Bimal Kant Jha Resident of Village- Yajuar
(Madhya), P.S.- Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Jha

For the Opposite Party/s : Mr.Pancha Nand Pandit

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Katra P.S.
Case No. 165 of 2019 registered for the offences punishable
under Sections 272, 273 of the IPC and Sections 30(a), 38(1) of
Bihar Prohibition and Excise Act.

There is recovery of 495 litres of illicit foreign liquor
from pickup van and 1805 litres of illicit foreign liquor from a
truck. It is also alleged that 1655.120 litres of illicit liquor was
recovered from a hut.



Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. It is further submitted that in fact, petitioner is owner of the pickup van in question. He further submits that it appears from the FIR itself that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from pickup van and truck in question as well as from a hut. He further submits that owner of the truck in question is Sawan Thakur who has been granted bail by a co-ordinate Bench of this court vide order dated 17.03.2020 passed in Cr. Misc. No. 78709 of 2019. Petitioner is in custody since 03.02.2021.

The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Special Judge, Excise Act, Muzaffarpur in connection with Katra P.S. Case No. 165 of 2019, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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