

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20384 of 2022

Arising Out of PS. Case No.-750 Year-2020 Thana- KANTI District- Muzaffarpur

Ranjit Kumar @ Ranjeet Mishra @ Babalu @ Bablu Mishra, Son Of Late
Ramashankar Mishra, Resident Of Village - Bishunpur Baghnagari, P.S. -
Sakra, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21676 of 2022

Arising Out of PS. Case No.-750 Year-2020 Thana- KANTI District- Muzaffarpur

Bharat @ Bharat Lal Mishra, son of Late Rama Shankar Mishra, Resident of
Village - Vishunpur Baghnagari, P.S. - Sakra, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20384 of 2022)

For the Petitioner/s : Mr. Indrajeet Bhushan, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 21676 of 2022)

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-07-2022 Since both the applications arise out of Kanti P.S.

Case No. 750 of 2020, as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Kanti P.S. Case No. 750 of 2020 registered for the alleged offences under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information about huge quantity of illicit liquor was being taken on a truck and the said truck was intercepted and total 2516.40 litres of India made foreign liquor was recovered. The co-accused driver and co-driver were apprehended and these co-accused persons named the petitioner along with some other co-accused person, who were to receive the delivery of the illicit liquor.

The learned counsels for the petitioners submit that the petitioners are innocent and they have never been involved in the illicit trade of liquor. Except for the confessional statement of the driver made before the police that he was to deliver this consignment to the petitioners, there is nothing on record to connect the petitioners with the alleged recovery. The learned counsels further submit that neither the liquor recovered



nor the vehicles from which the recovery was made belong to the petitioners. The recovery has been made from the possession of the co-accused persons and the petitioners have no role in the said recovery. The petitioners were not apprehended from the spot and nothing incriminating has been recovered from their conscious possession. The co-accused persons, who have been arrested from the spot, have been granted bail by a Co-ordinate Bench of this Court vide order dated 14.02.2022 passed in Cr. Misc No. 41300 of 2021 and order dated 28.02.2022 passed in Cr. Misc. No. 41877 of 2021, respectively. Charge-sheet has been submitted in this case and the petitioners are in custody since 19.01.2022 and 21.02.2022, respectively.

Learned APP opposes the prayer for bail submitting that the petitioners are fully involved in illicit trade of liquor and the petitioner Ranjit Kumar has got criminal antecedents.

Having regard to the submissions made hereinabove and considering the fact that nothing incriminating has been recovered from the petitioners and further considering the submission of charge-sheet against the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of



learned Special Judge Excise, Court No.II, Muzaffarpur, in connection with Kanti P.S. Case No. 750 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner, Ranjit Kumar will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the person, who has sworn the affidavit in the case.

(iii) The petitioners will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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