

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22953 of 2022

Arising Out of PS. Case No.-400 Year-2021 Thana- WAJIRGANJ District- Gaya

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Ranjeet Kumar @ Bade Son Of Jageshwar Ram @ Rajeshwar Prasad @
Jageshwar Prasad Resident Of Village - Chakrhima, P.S.- Gaurichak, Distt.-
Patna.Wazirganj Bazar, Lohani Gali, P.S.- Wazirganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Ajay Kumar Sinha, learned counsel for
the petitioner as well as learned Additional Public
Prosecutor for the State through video conferencing.

Petitioner seeks bail in a case registered in
connection with Wazirganj P.S.Case No. 400 of 2021 for
the offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that the
police on confidential information, intercepted the
petitioner, who was riding on a motorcycle and on search



being made, 1.80 liters foreign liquor was recovered from the dickey of the motorcycle. It is further alleged that on disclosure made by the petitioner, 10 liters country made liquor was also recovered from his house.

It is submitted by the learned counsel for the petitioner that so far alleged recovery of the motorcycle is concerned, the same does not belong to the petitioner and recovery was made from the house of the petitioner, which is a joint family house and as such the petitioner cannot be held solely responsible for the same. It is next submitted that there are series of other irregularities in preparation of seizure list and moreover, the seizure list witnesses are not independent witnesses. It is next submitted that co-accused Saheb Chaudhary has been granted bail by the learned co-ordinate Bench of this Court in Cr. Misc No. 65871 of 2021 vide order dated 11.02.2022 and this petitioner is in custody since 04.09.2021, though the investigation of the crime is already completed.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner is found involved in three other cases.



Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is in custody since 04.09.2021 and moreover, accused persons have already been granted bail by the learned Hon'ble Court and further recovery has been made from joint family house and from the motorcycle, which does not belong to the petitioner, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court No.-I, Gaya in connection with Wazirganj P. S. Case No. 400 of 2021 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive



dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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