

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22419 of 2022

Arising Out of PS. Case No.-109 Year-2021 Thana- BEERPUR District- Begusarai

Ranjeet Chaudhary @ Ranjit Chaudhri S/O Late Ramchandra Chaudhary R/o village- Ward No. 08, Mahadpur, P.S.- Muffasil (Singhaul O.P.), District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s :	Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pritish Kumar Lal, learned counsel for the petitioner and learned APP for the State through video conference.

The petitioner seeks regular bail, who is in custody in connection with Birpur (Beerpur) P.S. Case No. 109 of 2021 for the offences punishable under Sections 30(a), 41(i) and 41(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that on a secret information the police intercepted a truck and a Pick-up van and on search being made altogether total 4340.5 litres of foreign liquor was recovered. It is further alleged that a motorcycle was



also seized, which was found abandoned in the vicinity.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner has no concern with the alleged recovery nor with the alleged seized truck and pick-up van. It is also submitted that the petitioner being the owner of the motorcycle, which was found abandoned near the vicinity, he has been implicated in this case, though the fact is that the said motorcycle was taken by his cousin for a ride and when the police started intercepting the vehicles some stamped like situation has been made and in such a situation the nephew of the petitioner being frightened, left the motorcycle and fled away from the said place. It is next submitted that other co-accused persons have already been granted bail by a co-ordinate Bench of this Court passed in Cr. Misc. No. 13531 of 2021 vide order dated 10.05.2022. It is lastly submitted that the petitioner is in custody since 21.02.2022 having clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the motorcycle of the petitioner was recovered from the place of occurrence.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that except the recovery of motorcycle, there is no other incriminating material



which suggests the complicity of the petitioner and moreover the petitioner was neither arrested at the spot nor any incriminating article has been recovered from the conscious possession of the petitioner and he is in custody since 21.02.2022, though the charge sheet has already been submitted in this case, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Court-I, Begusarai in connection with Birpur (Beerpur) P.S. Case No. 109 of 2021, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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