

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26764 of 2022

Arising Out of PS. Case No.-176 Year-2022 Thana- ALAMGANJ District- Patna

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RANJIT PASWAN SON OF LATE RAMPRIT PASWAN R/O VILLAGE-
GARKHA REPURA, P.S.- BHELDI, DISTRICT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sharma

For the Opposite Party/s : Mr.Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Alamganj P.S. Case No. 176 of 2022 registered for the offences

punishable under Sections 30(a), 38(1) and 41(1) of the Bihar

Prohibition and Excise Amendment Act.

As per prosecution case, there is alleged recovery

of 3876.48 litres illicit foreign liquor from truck in question.

The petitioner is alleged to be the driver of said truck. The

petitioner is apprehended on spot, however, one person

succeeded to flee away.

Learned counsel for the petitioner submits that



petitioner is in custody since 01.03.2022. Petitioner bears criminal antecedent of one case in which he is on bail. Prosecution report has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing incriminating article or liquor has been recovered from the conscious possession of the petitioner. Mandatory provisions with regard to the recovery and seizure has not been followed. There is no independent witness.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, prosecution report has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Alamganj P.S. Case No. 176 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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