

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25993 of 2022

Arising Out of PS. Case No.-325 Year-2021 Thana- BIKRAM District- Patna

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Ravi Kumar Son of Late Tejpal Resident of Village - Gwalishan , P.S.- Beri,
Distt.- Jhajhar at Present Patel Nagar 66 Ft. Road Bahadurgarh, P.s.- Sector
-6, Distt.- Jhajhar, Tenant of Lakshaya Pandit (Haryana.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Arvind Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bikram P. S. Case No. 325 of 2021
giving rise to Special Case No. 8133 of 2021 registered for the
offences punishable under Sections 30 (a), 32 (ii) (iii), 36 and 41
(i) (ii) of the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the



Police, on a secret information, apprehended a truck and on search being made total 2212 litres Indian made foreign liquor was recovered. It is further alleged that the driver and cleaner of the truck was apprehended at the spot and he disclosed the name of some of the persons as the member of syndicate of illicit wine.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither arrested at the spot nor any incriminating material has been recovered apart from that he is neither owner of the truck nor any concern with the alleged recovered wine. It is furtherer submitted that his name has been surfaced on the disclosure made by the driver and save and except this material there is no other material, which suggests the complicity of this petitioner in the present crime and moreover, the driver and cleaner of the vehicle have already been granted bail by this Hon'ble Court in Cr. Misc. No. 22458 of 2022 vide order dated 06.05.2022. A copy of which is annexed as annexure 2 to this application.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is said to be a member of a syndicate and involved in illegal trade of illicit wine and he is also found involved in three other



criminal cases. In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all the three cases.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner neither apprehend at the spot nor any incriminating material has been recovered from his person of possession and the other co-accused persons, who were apprehend at the spot with the illicit wine, have already been granted bail by this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Danapur (Patna) in connection with Bikram P. S. Case No. 325 of 2021 giving rise to Special Case No. 8133 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.
- (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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