

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35603 of 2022

Arising Out of PS. Case No.-460 Year-2021 Thana- SAMASTIPUR MUFFASIL District-
Samastipur

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RAVINDRA KUMAR @ LANGRA Son of Ram Lagan Rai Resident of
Village - Jitwarpur Chouth Dih, Ward No.- 3, P.S.- Samastipur (Muffasil),
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh, Advocate
For the Opposite Party/s : Ms.Renu Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 petitioner seeks bail in
connection with Samastipur (Muffasil) P.S. Case No. 460 of 2021
registered for the alleged offences under Sections 414, 467, 468
and 471 of the Indian Penal Code and Sections 30(a), and 41 (1)
of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, police received secret information
about unloading of huge quantity of liquor from truck to other
smaller vehicles for distribution. A raid was conducted and all the



persons involved in the unloading and transportation escaped from the spot on seeing the police party. The petitioner along with other co-accused persons were identified by the *chowkidar* and police official. The vehicle were searched and recovery 5302.4 liters of liquor was made.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. He was not apprehended from the spot and no recovery has been shown from his conscious possession. The local *chowkidar* named this petitioner due to his enmity. Similarly placed co-accused Devendra Mahto has been granted bail by a Coordinate Bench vide order dated 10.03.2022 passed in Cr. Misc. No. 9249/2022. Charge sheet has been submitted in this case and the petitioner is in custody since 10.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has got criminal antecedent and huge recovery of liquor has been made.

Having regard to the submission made hereinabove and considering the fact that petitioner was not arrested from the spot and no recovery has been shown from his conscious possession and also the fact of submission charge sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)



with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Samastipur (Muffasil) in connection with Samastipur (Muffasil) P.S. Case No. 460 of 2021, 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 will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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