

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37482 of 2022

Arising Out of PS. Case No.-250 Year-2022 Thana- DAUDNAGAR District- Aurangabad

Ranjan Kumar @ Jhallu, Son of Rajendra Prasad, Resident of village- Patwa
Toli, Ward No.- 19, P.S.- Daudnagar, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-09-2022 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. Anil Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Daudnagar P.S. Case No. 250 of 2022 registered for the offence punishable under Section 30(a) Bihar Prohibition & Excise (Amendment) Act, 2018.

It is alleged that 16.560 litres of Indian made foreign liquor was recovered from the house of the petitioner.

Learned counsel for the petitioner submits that the illicit recovery has been made from a joint residential house where several persons reside and the petitioner cannot be held



responsible for the same. He next submits that only because of the past criminal antecedent, in similar nature of case, the name of the petitioner has been implicated. He also submits that there is no compliance of Section 100 of the Cr.P.C., inasmuch, as all the seizure list witnesses are home guards. He lastly submits that the petitioner is in custody since 11.05.2022, moreover, after conclusion of the investigation, charge-sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions that the alleged recovery has been made from the joint residential house of the petitioner and, moreover, he is in custody since 11.05.2022, though after completion of the investigation, charge sheet has been submitted, let the petitioner, named above, 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- I, Aurangabad in connection with Daudnagar P.S. Case No. 250 of 2022, 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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