

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40137 of 2022

Arising Out of PS. Case No.-414 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

Pradeep @ Ranjan S/o Anil Prasad Resident of Mohalla - Chaturbhuj Asthan
Chowk, P.S.- Town, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Anand, Advocate.
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-09-2022 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. Chandra Shekhar Anand, 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 Excise Case No. 414 of 2021 arising out
of P. R. No. 43 of 2021 registered for the offences punishable
under Sections 30 (a), 32 (3) of the Bihar Prohibition and Excise
Act.

As per the prosecution case, it is alleged that the



police, on secret information that some persons are engaged in the trade of illicit liquor and raided the place of occurrence, where they saw a pick-up van having registration No. BR10G-9958. However, on noticing the police party some persons succeeded in fleeing away and one Raushan Kumar was apprehended, who disclosed the name of the petitioner and other associates. It is further alleged that total 683.760 litres of illicit foreign liquor was recovered from the said pick-up van.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was not apprehended at the spot nor any incriminating material has been recovered from his person or possession and moreover, the petitioner has neither concerned with the pick-up van nor with the recovered illicit wine, however, only on account of two past criminal antecedent of the petitioner, his name has been implicated in this case. It is also submitted that the investigation of the crime is already completed and charge sheet has been submitted, though, the petitioner is in custody since 07.05.2022 and there is no likelihood of commencement of trial in near future.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on



behalf of the parties and considering the fact that fact that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the apprehended person, there is no material suggesting the complicity of the petitioner in the present crime, 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 Court No. II, Muzaffarpur in connection with Excise Case No. 414 of 2021 arising out of P. R. No. 43 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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