

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39356 of 2022

Arising Out of PS. Case No.-227 Year-2022 Thana- BARAUNI District- Begusarai

Ranjit Chouhan @ Ranjeet Chouhan, S/O Late Dukhi Chouhan, Resident of
Ward No.- 04, Thakurichak, Carhara, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Pritish Kumar Lal, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Barauni P.S. Case No. 227 of 2022 for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 (2018).

Allegation against the petitioner is to be engaged in
trade of illicit wine, the police raided the house of the petitioner,
however, 64.425 litres of Indian made foreign liquor was
recovered, behind the house of the petitioner.

Learned counsel appearing on behalf of the petitioner



submits that from the F.I.R., it would be evident that the alleged recovery has been made from a bush, behind the house of the petitioner, which is not under the exclusive possession of the petitioner and the petitioner has neither any concern with the place from where the recovery has been made nor with the illicit wine. He next submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered. He further submits that the petitioner, having fair antecedent, is in custody since 22.05.2022 and, moreover, there is no independent witness and as such, the seizure list is in complete defiance of Section 100 of the Cr.P.C.

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 the alleged recovery has been made from a bush, behind the house of the petitioner, and the petitioner was neither apprehended at spot nor any incriminating material has been recovered from his conscious or constructive possession and so far the petitioner is concerned, having fair antecedent, is in custody since 22.05.2022, though the investigation of the crime is already completed and charge sheet has been submitted, let the petitioner, named above, be



released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Exclusive Excise Judge-I, Begusarai in connection with Barauni P.S. Case No. 227 of 2022 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.

(Harish Kumar, J)

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