

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 50765 of 2021**

Arising Out of PS. Case No.-161 Year-2021 Thana- KUDHNI District- Muzaffarpur

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RANJEET RAI Son of Ganinath Ray @ Gani Nath Rai Resident of Village -
Jagdish Kamtaul, P.s.- Kudhani, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms Namrata Mishra, Advocate

For the Opposite Party/s : Mr Humayou Ahmad Khan, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Kudhani Police Station
(for brevity, PS) Case No 161 of 2021 instituted for the offence
punishable under Sections 414/34 of Indian Penal Code and
Section 30 (a) of Bihar Prohibition and Excise Act, 2016.

136.80 liters of illicit liquor have been recovered from
a vehicle after it was chased and it had met with an accident. It
is alleged that 5 – 6 persons fled away on seeing the police party
out of which petitioner was one.

Learned counsel for the petitioner submits that,
merely based on his criminal antecedents, as per disclosure



made in paragraph 3 of the petition, the petitioner has been made accused in this case. Even, as per prosecution case, petitioner was not present at the time and place of recovery. The petitioner is already on bail in all the five cases, as mentioned in paragraph 3 of the bail application. In the instant case, he is in custody since 22.06.2021.

The learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court is inclined to accept the submission of the petitioner's counsel for the purposes of grant of bail.

Having regard to the aforesaid facts, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Special Judge, Excise, Muzaffarpur in Kudhani PS Case No 161 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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