

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49879 of 2021**

Arising Out of PS. Case No.-157 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. RANJIT PASWAN S/O Jamiri Paswan Resident of Village - Sonbarsa, P.S. - Sonbarsa and Dist. - Sitamarhi.
2. Ajay Malli S/O Yogendra Malli Resident of Village - Sonbarsa, P.S. - Sonbarsa and Dist. - Sitamarhi.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

For the Opposite Party/s : Mr.Parmanand Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

4      12-05-2022                      Heard learned counsel appearing on behalf of the petitioners and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

The petitioners seek regular bail in connection with Bathnaha P.S. Case No. 157 of 2021, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is recovery of 132 litres of Nepali sofi from car bearing registration No. BR-1AE-2480.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. Nothing has been recovered from the



conscious possession of the petitioner. The petitioner has no connection either with the illicit Nepali Sofi or with the seized vehicle bearing No. BR-1AE-2480. The specific submission is that petitioner has no relationship with the co-accused mentioned in the F.I.R.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

The Court below is directed to obtain a report from the District Transport Officer with respect to the vehicle bearing registration No. BR-1AE-2480 and if such report is submitted within a period of two weeks from the date of this order and if it is found the vehicle from which the illicit liquor was recovered is not registered in the name of the present petitioner or any of the family members of the petitioner, the petitioners, above named, are directed to be enlarged on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Bathnaha P.S. Case No. 157 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court



concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

**(5) The court below is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.**

**(Purnendu Singh, J)**

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