

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42180 of 2022

Arising Out of PS. Case No.-429 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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RANJEET RAI @ RANJEET RAY Son of Tuntun Ray @ Tuntun Rai
Resident of Village - Susta, P.S.- Gaighat (Benibad O.P.), District -
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate.

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-09-2022 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. Hari Kishore Thakur, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Gaighat (Benibad O.P.) P. S. Case No.
429 of 2021 registered for the offences punishable under
Sections 272, 273 read with 34 of the Indian Penal Code and
Section 30 (a) of the Bihar Prohibition and Excise
(Amendment) Act.



As per the prosecution case, it is alleged that the police, on a secret informant, raided a husk house situated behind the temple. On search, total 51.03 litres foreign liquor was recovered, however, all accused persons were managed to escape from the place of occurrence. It is also alleged that a local Choukidar disclosed that the illicit liquor belongs to the petitioner and his associates, who were engaged in trade of liquor.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from an open place, which is accessible to all and only because of past criminal antecedent of the petitioner, his name has been implicated in this case and now the petitioner is in custody since 26.03.2022 and after investigation of the crime, charge-sheet has been submitted. It is last submitted that the other co-accused person, having identical allegation has already been granted bail by learned coordinate Bench of this Hon'ble Court in Cr. Misc. No. 11034 of 2022 vide order dated 29.04.2022.

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 taking into account the fact that the



other co-accused person having identical allegation has already been granted bail by learned coordinate Bench of this Hon'ble Court and moreover, after completion of the investigation, charge-sheet has been submitted, 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 Exclusive Special, Excise Court No.-I, Muzaffarpur in connection with Gaighat (Benibad O.P.) P. S. Case No. 429 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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