

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42697 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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SUMIT SAI @ RANJAN KUMAR S/o Bindeshwar Ram R/o village-
Gobarsahi Near Shiv Temple, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Singh, Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-09-2022 Today this case has been listed on the motion slip
filed by the learned counsel for the petitioner.

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. Ranjan Kumar Singh, 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 Utpad (Excise) P. S. Case No. 338 of
2022 registered for the offences punishable under Sections 30
(a), 32(3), 36 of the Bihar Prohibition and Excise Act.



As per the prosecution case, it is alleged that the police on a secret information, raided the house of the petitioner and on search, total 422.28 litres Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery has been made from a joint residential house, where several persons reside and the petitioner cannot be made responsible for that. It is further submitted that there are other infirmities in preparation of the seizure list in as much as, there is no compliance of Section 100 of the Cr.P.C. It is last submitted that the petitioner, having fair antecedent, is in custody since 15.04.2022, though after completion of the investigation, charge sheet has been submitted and moreover, there is no likelihood of commencement of trial in near future.

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

Having considered the submissions made on behalf of the parties and taking into account the fact that the alleged recovery has been made from a joint residential house and moreover, the petitioner is in custody since 15.04.2022, having fair antecedent, 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 Utpad (Excise) P. S. Case No. 338 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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