

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43351 of 2022

Arising Out of PS. Case No.-352 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

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RANJAN KUMAR Son of Sheojee Ram Resident of village- Ram Nagar
Tola, P.S- Ara Muffasil, dist- Bhojpur, Ara

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramanuj Tiwary, Advocate

Ms. Jyoti Joshi, Advocate

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ara Muffasil P.S. Case No. 352 of 2021 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, a raid was conducted on the house of the petitioner and co-accused Amresh Kumar was apprehended. From the search of the house, 61.560 liters of India made foreign liquor was recovered. The co-accused



disclosed the name of this petitioner who brought the liquor in the house and was about to move the same. The petitioner and co-accused are said to be the brothers.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of the petitioner who was not apprehended from the spot. The search and seizure was not made in accordance with the provisions of law. There is no independent witness on the seizure lists and there is no application of Section 30(a) of Bihar Prohibition and Excise Act against the petitioner. Charge sheet has been submitted in this case and the petitioner is in custody since 27.03.2022. The petitioner is having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and further considering the clean antecedent of the petitioner who was not apprehended from the spot and also considering submission of charge sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Ara Muffasil P.S. Case No. 352 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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