

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53944 of 2021

Arising Out of PS. Case No.-75 Year-2021 Thana- SHERGHATI District- Gaya

Ranjit Kumar @ Ranjeet Kumar, S/o Mithlesh Sharma @ Mithilesh Sharma,
Resident of Village- Koili, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mrigank Mauli, Sr. Advocate
		Mr. Saroj Kumar Singh, Advocate
For the Opposite Party/s :		Mr. Arun Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 24-08-2022 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. Mrigank Mauli, learned senior counsel for the petitioner, duly assisted by Mr. Saroj Kumar Singh, and the learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, who is in custody in connection with Sherghati (Dobhi) P. S. Case No. 75 of 2021 registered for the offences punishable under Sections 8, 20 (b) (ii)(c), 25, 29, 59 (2) of the Narcotic Drugs and Psychotropic Substance Act.

The prosecution case is based on a written report of the Sub-Inspector, namely, Lallan Kumar, who allegedly stated



that on a secret information that a huge quantity of *Ganja* is being carried from Honda City vehicle, constituted a special team and intercepted the vehicle and apprehended four persons. On interrogation, they disclosed that their consignment of *Ganja* was coming from Odisha to Ara (Bihar) from a Pick-UP vehicle No. JH-01Z-0342. However, the same was caught by the Police and they demanded Rs. 5,00,000/- to release that vehicle illegally, so they are going to Dobhi for getting the vehicle released. It is further alleged that the officer of Excise Department and the petitioner, who happens to be the constable, in collusion with other staff demanded bribe of Rs. 5,00,000/- to release the said vehicle along with the *Ganja* carrying on the vehicle and on the aforesaid information, the officer of the Excise Department as well as constables, including the petitioner, were apprehended at the spot and both the vehicles along with *Ganja* were also seized.

Learned senior counsel appearing on behalf of the petitioner submitted that that from the F.I.R., it is evident that the petitioner, who happens to be constable of Excise Department and he was working on the dictate of his superior officer. It is next submitted that the entire allegation revolves around co-accused Mukesh Kumar, who was the probationary



Excise Sub-Inspector and who sought a demand of Rs.5,00,000/- for release of the vehicle. It is next submitted that the driver and Khalasi of the Pick-Up vehicle informed about the owner, but they came out with the local police by making a false case of bribery, the falsity of which is evident from the fact that neither any money much less Rs. 5,00,000/- was recovered from the possession of the four persons, who made the allegation of bribery nor there was any seizure list showing recovery of cash Rs. 5,00,000/- from any vehicle. It is next submitted that co-accused Mukesh Kumar, against whom there is specific allegation of demand of bribe, has already been granted bail by this Court in Cr. Misc. No. 57119 of 2021, vide order dated 14.07.2022, the copy of which has been produced before this Court and the same has been kept on record. It is lastly submitted that the petitioner being the constable in Excise Department, having fair antecedent, is in custody since 04.02.2021 and moreover the investigation of the crime is completed and the charge-sheet has been submitted and there is no chance of tampering with the evidence and of his absconding.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that



specific allegation has been levelled against the petitioner that he along with his superior officers demanded bribe of Rs. 5,00,000/- for release of the vehicle, which was intercepted and seized by the police officials and a huge quantity of *Ganja* was recovered.

Having regard to the submissions made on behalf of the parties and considering the fact that the petitioner happens to be constable and the specific allegation has been levelled against the Excise Sub-Inspector, namely, Mukesh Kumar, who has already been granted bail by this Court and the petitioner is in custody since 04.02.2021, having fair antecedent, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Gaya in connection with Sherghati (Dobhi) P. S. Case No. 75 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.

(Harish Kumar, J)

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