

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66338 of 2021**

Arising Out of PS. Case No.-262 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Rohtas

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Ranjan Kumar Singh @ Rocky @ Ranjan Singh Son Of Vidyapati Singh
Resident Of Village - Dhangai Ward No.- 8, P.S.- Bikramganj, Dist.- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 08-02-2022 The applicant is given out of turn hearing because of
his ailment.

The applicant/accused is seeking his release on bail in
Excise Case No.262 of 2021 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act during pendency of the trial.

From time to time the case is adjourned in order to
ascertain whether the prosecution is initiated on filing of the
complaint under Section 2(d) of the Cr.P.C. or on registration of
the FIR by the authorities.

Heard the learned counsel appearing for the
applicant/accused and learned Additional Public Prosecutor for
the State.



The learned counsel for the applicant argued that the spirit and liquor was seized from the field of one Bittu Singh with which he has no concern.

The learned Additional Public Prosecutor opposed the application by contending that 540 liters of spirit, 10 liters of country-made liquor and 200 empty bottles were seized from the field of Bittu Singh and the complicity of the applicant in the subject crime is established.

I have considered the submissions so advanced and also perused the materials placed before me.

In the case in hand, it appears that provisions of Section 91 of the Bihar Prohibition and Excise Act is not followed by the authorities who have initiated prosecution against the applicant. There is no registration of the FIR nor the report as envisaged by Sub-section (3) of Section 91 of the Bihar Prohibition and Excise Act. In fact a document titled as list of the articles seized during search is claimed to be such report. It is thus prima facie appears that there is inherent lacunae in the prosecution case.

Be that as it may, the so called investigation is over and prima facie I see no material to connect the applicant with the subject crime and, therefore, I see no reason for further pretrial detention of the applicant, who is behind bar from



21.08.2021. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Excise Case No.262 of 2021 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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