

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35737 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- PHULWARIYA District- Gopalganj

RANJEET KUMAR @ RANJIT PRASAD @ RANJIT KUMAR S/o- SRI
GANESH PRASAD Village- Makhnupur PS- Pachrukhi Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Ranjan, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-06-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Phulwariya
P.S. Case No. 187 of 2022, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery of
345.600 litres of IMFL from a Safari car in question.

Learned counsel for the petitioner submits that petitioner
is quite innocent and has committed no offence. Petitioner is not
named in the FIR. During course of investigation, the name of
petitioner came in para no. 86 of the case diary in which the
owner of the vehicle Dr. Bibhesh Prasad Singh had disclosed
that he had sold the seized vehicle to the petitioner but learned



counsel for the petitioner submits that petitioner has never purchased the said vehicle. Nothing was recovered from the conscious possession of the petitioner. The petitioner has no knowledge about the alleged occurrence. Petitioner is in custody since 19.04.2023 and bears no criminal antecedent.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the F.I.R., keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd-cum-Special Judge, Excise court No.1, Gopalganj, in connection with Phulwariya P.S. Case No. 187 of 2022 subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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