

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50726 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- KUDHNI District- Muzaffarpur

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RATAN KUMAR @ BHOLU S/O MAHESH SAH R/O VILLAGE-
KERMA, PS. KUDHANI, DIST. MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pranav Kumar
		Mr. Rajeev Ranjan No.II, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 27.03.2023, in connection with Kudhani P.S. Case No. 342 of 2022, F.I.R. dated 28.07.2022 registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471, 414/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Recovery is of 1346.04 litres of *illicit foreign* liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of disclosure made by co-accused



persons namely Dharmendra Sah, Awadhesh Kumar @ Awadhesh Kumar Choudhary, Chhotu Kumar and Biadhyanath Sah @ Baijnath Sah. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from the Truck in question. He further submits that the petitioner is neither the driver nor the owner of the Truck in question and he was not arrested at the place of occurrence. The petitioner is in custody since 27.03.2023. He further submits that almost all the accused persons including those who were arrested at the place of occurrence have been granted bail by a different Benches of this Court :

(i) Accused person namely Sudhir Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 53610 of 2022.

(ii) Accused person namely Baidhyanath Sah @ Baijnath Sah has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54114 of 2022.

(iii) Accused person namely Dharmendra Sah has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54223 of 2022.



(iv) Accused person namely Awadhesh Kumar @ Awadhesh Kumar Choudhary has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54238 of 2022.

(v) Accused person namely Ramesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54251 of 2022.

(vi) Accused person namely Chhotu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 54269 of 2022.

(vii) Accused person namely Rajeev Ranjan Munna has been granted bail by a Coordinate Bench of this Court vide order dated 21.10.2022 passed in Cr. Misc. No. 55044 of 2022.

(viii) Accused person namely Kehar Singh has been granted bail by a Coordinate Bench of this Court vide order dated 24.11.2022 passed in Cr. Misc. No. 60016 of 2022.

(ix) Accused person namely Baliram Kumar @ Bali Ram has been granted bail by a Coordinate Bench of this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 60589 of 2022.

(x) Accused person namely Jai Prakash Kumar Sahni @ Jai Prakakash Kumar has been granted bail by a Coordinate



Bench of this Court vide order dated 19.12.2022 passed in Cr. Misc. No. 69834 of 2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases other than the present one.

6. Considering the facts and circumstances of the case, 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 Special Judge (Excise), Court No. II, Muzaffarpur in connection with Kudhani P.S. Case No. 342 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any



stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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