

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51816 of 2023

Arising Out of PS. Case No.-591 Year-2018 Thana- KUDHNI District- Muzaffarpur

RATAN KUMAR @ BHOLU Son of Mahesh Sah Resident of village -
Kerma, P.S. - Kudhani, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
20.03.2023 in connection with Kudhani P.S. Case No. 591 of
2018, F.I.R. dated 03.12.2018 registered for the offence
punishable under Sections 30(a), 38(i), 41(i) of Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of 638.280 liters of foreign liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Further submits that from bare perusal of the FIR
as well as the seizure list that on the basis of the disclosure
made by the co-accused person, namely, Vijay Ram, the name of



the petitioner has been implicated in the present case. Further submits that from bare perusal of the FIR that nothing has been recovered from conscious possession or the house of the petitioner rather the recovery has been made from the place of occurrence i.e. the house of the co-accused, namely, Vijay Ram and said Vijay Ram has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 30.01.2019 passed in Cr. Misc. No.5150 of 2019 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 20.03.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries nine more cases other than the present one but fairly submits that out of nine cases, the petitioner is on bail in five cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid fact, nothing has been recovered from possession of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (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. 591 of 2018, with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

(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 antecedent, 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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