

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62445 of 2022

Arising Out of PS. Case No.-198 Year-2021 Thana- MANIYARI District- Muzaffarpur

RANJAN KUMAR @ NANKA S/o Maheshwar Mishra R/o Silaut Vimal,
P.S. Maniyari, District - Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Maniyari
P.S. Case No. 198/2021 registered for the offences punishable
under Sections 30(a) of the Bihar Prohibition and Excise
Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 150 liters foreign liquor from Maruti car in question.
Apprehended persons disclosed the names of petitioner and
others who fled away from the place of occurrence.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is languishing in custody since 17.08.2022
and bears no criminal antecedent. The petitioner is not



apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner transpired in this case on the basis of confessional statement of co-accused Sonu Kumar @ Dheeraj Kumar and Ashok Thakur. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on the spot, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds 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, Bihar in connection with Maniyari P.S.



Case No. 198/2021, 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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