

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64949 of 2022

Arising Out of PS. Case No.-317 Year-2022 Thana- ARA NAWADA District- Bhojpur

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Rajan Kumar @ Ranjan Kumar, Son of Late Dhanu Sah @ Late Dhanu Saw,
R/V- Abhaypura, P.S- Sandesh, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 Today being Friday, matters are being taken up
through virtual mode as per current procedure for hearing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Ara
Nawada P.S. Case No.317 of 2022 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

There is alleged recovery of 15.660 litres English
wine and the petitioner was apprehended on the spot.

Learned counsel for the petitioner submits that the
petitioner is in custody since 11.05.2022 and bears one
antecedent, bearing Ara Nawada P.S. Case No.318 of 2022,
which is not similar to the present case and arising out of



recovery of arms in the same alleged search and seizure, in which he is on bail in Cr.Misc. No.41556 of 2022. It is further submitted that the petitioner has no concern with the seized wine in any manner as he is a student who was sitting in the room of his friend and he had no knowledge about the wine. There is no compliance of Section 100 Cr.P.C. Similarly situated co-accused Sachin Yadav has been allowed bail in Cr.Misc. No.48057 of 2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody, and the fact that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 the learned Exclusive Special Excise Court No.1st, District-Bhojpur at Ara, in connection with Ara Nawada P.S. Case No.317 of 2022, subject to the following conditions:

- (i) That one of the bailors
will be a close relative of the



petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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