

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70749 of 2023

Arising Out of PS. Case No.-89 Year-2020 Thana- DHANARUA District- Patna

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RANJEET KUMAR @ JATHA @ RANJIT PRASAD SON OF RAJKISHOR
PRASAD RESIDENT OF VILLAGE - MAKHDUMPUR, NIWASHI CHAK,
P.S. - DHANARUA, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv
For the Opposite Party/s : Mr.Sanjay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Special Case No. 89 of 2020 registered on 07.03.2020 lodged
under Sections 30(a) of the Bihar Prohibition and Excise Act
(Amendment), 2018.

3. As per the prosecution case, F.I.R. has been lodged
against two named accused persons excluding the petitioner.

4. Counsel for the petitioner submits that from the
reading of the F.I.R., it transpires that the alleged recovery has
been made from the house of the accused namely Kameshwar
and Vikku Kumar Yadav and total recovery 974.475 litre of
wine has been the subject matter of the present case. He further



submits that from bare reading of the F.I.R., no offence is made out against the petitioner as nothing is recovered from the petitioner's possession. The name of the petitioner has been figured in this case by the virtue of confessional statement of the co-accused as he has disclosed that said wine has been collected from the present petitioner.

5. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 16.07.2023 having clean antecedent as mentioned in the main petition but subsequently he filed the supplementary affidavit by which he disclosed that one criminal case is pending against him.

6. Learned counsel for the State opposes the prayer for bail and submits that from the F.I.R., it transpires that no recovery has been made from his possession.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna in connection with Special Case No. 89 of 2020 subject to the following conditions as well as the conditions laid down under



Section 437 (3) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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