

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64099 of 2023

Arising Out of PS. Case No.-165 Year-2023 Thana- GANGABRIDGE District- Vaishali

Ranjit Rai @ Ranjit Ray S/O Late Raghunath Rai R/O Village- Diwantok,
P.S- Ganga Bridge, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-10-2023 Heard Mr. Mrityunjay Kumar, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Ganga Bridge P.S. Case No. 165 of 2023, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise (Amendment) Act, 2018.

3. The police on a secret information with regard to
the involvement of the petitioner in paddling of illicit wine
conducted raid. However, on noticing the police party, two
persons succeeded in fleeing away, after leaving their
motorcycles. On search, 120 litres liquor has been recovered
from two motorcycles and 40 litres illicit wine has been
recovered from the hut which is said to be of the petitioner.



4. It is submitted on behalf of the petitioner that the petitioner has neither any concern with the alleged hut which is said to be of the petitioner nor with the motorcycles which were recovered from the place of occurrence. He next submits that only because of one past criminal antecedent of identical nature, his name has been implicated in this case, despite the aforesaid fact there is no material suggesting the complicity of the petitioner in the present crime. That apart, even during course of raid, nothing incriminating has been recovered from the whereabouts of the petitioner. He also submits that there are various other infirmities in the search and seizure.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the alleged recovery has been made from a hut which is said to be in the name of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the hut in question nor with the motorcycles, which were seized from the place of occurrence, apart from other infirmities in the search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four



weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned court of Exclusive Special Excise Court No. 1-cum-Additional Sessions Judge, Vaishali at Hajipur in connection with Ganga Bridge P.S. Case No. 165 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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