

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67917 of 2023**

Arising Out of PS. Case No.-151 Year-2023 Thana- RAJNAGAR District-
Madhubani

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RANJIT KUMAR YADAV @ RANJIT YADAV SON OF GHURAN YADAV
RESIDENT OF VILLAGE- PILAKHWAR, WARD NO 04, POLICE STATION-
RAJNAGAR, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhavesh Kumar Sah

For the Opposite Party/s : Mr.Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-10-2023 Heard Mr. Bhavesh Kumar Sah, learned counsel for the

petitioner and Mr. Umesh Lal Verma, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rajnagar P.S. Case No. 151 of 2023 registered for the offence
under Sections 272, 273 and 34 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of 225 liters of nepali country made liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case on the basis of disclosure made by the local people and
the chaukidar who have identified the petitioner while he was
fleeing away from the place of occurrence. He further submits
that on bare perusal of the F.I.R. and the seizure list, it appears



that nothing has been recovered from the conscious possession of the petitioner rather the alleged recovery has been made from the vehicle in question. He further submits that the petitioner has no concern at all with the alleged recovery and the vehicle in question. Save and except the disclosure made by the local people and the chaukidar, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Baiju Das, Santosh Kumar and Rankit Mukhiya having more or less similar allegation have already been granted anticipatory bail by different co-ordinate Benches of this Court vide order dated 18.08.2023, 17.10.2023 and 30.08.2023 passed in Cr. Misc. No. 53494 of 2023, Cr. Misc. No. 63543 of 2023 and Cr. Misc. No. 56972 of 2023 respectively. He further submits that there is non-compliance of Section 100 Cr.P.C. while preparing the seizure list, therefore, no case would be made out against the petitioner under the Bihar Prohibition and Excise Act.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner referring to the provisions contained in Section 76(2) of the Bihar Prohibition and Excise Act and submits that this application seeking pre-arrest bail would not be maintainable. He further submits that the petitioner carries one more case other than the present one in which he is on bail.



This Court is aware of the decision of the Full Bench in the case of Ram Vinay Yadav Vs. State of Bihar reported in 2019(2) P.L.J.R. 1089. Having regard to the law laid down in the aforesaid judgment and the submission advanced on behalf of the parties, this Court, for the limited purpose of grant of anticipatory bail, is inclined to accept the submission of counsel for the petitioner.

Considering the facts and circumstances of the case and the fact that nothing incriminating has been recovered from the possession of the petitioner and on the basis of disclosure made by the local people and the chaukidar, this petitioner has been made accused in this case, let the, above named, petitioner, in the event of his arrest or surrender before the court below within a period of four weeks, 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 2nd Additional Sessions Judge -cum- Special Judge, (Excise Act), Madhubani in connection with Rajnagar P.S. Case No. 151 of 2023(G.R. No. 944 of 2023), subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also 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 canceled 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.

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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