

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4243 of 2024

Arising Out of PS. Case No.-19 Year-2022 Thana- SURSAND District- Sitamarhi

Ranjit Kumar @ Ranjit Paswan S/O Feku Paswan Village- Banauli, P.S.
Sursand, Dist. Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-02-2024 Heard Mr. Sanjay Kumar, learned counsel appearing
on behalf of the petitioner and the learned Additional Public
Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Sursand P.S. Case No. 19 of 2022, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

3. In course of patrolling, the police on a secret
information, raided the orchard of one 'Chunchun Ojha' and in
course of search, total 70.8 liters of Nepali wine was recovered.
On noticing the police party, the accused persons succeeded in
fleeing away. The name of the petitioner and others have been
disclosed by the villagers.

4. It is submitted on behalf of the petitioner that the
implication of the name of the petitioner in the present case is,



only because of one criminal antecedent of identical nature. He further submits that admittedly, the alleged recovery has been made from the orchard of one 'Chunchun Ojha' with whom, neither the petitioner has any concern nor he has anyway related to the alleged recovery. He next submits that there are other infirmities in the search and seizure, apart from the fact that there is no cogent material, suggesting the complicity of the petitioner in the present crime. At last, he submits that though the petitioner is carrying three criminal antecedent, out of which two are of different nature and one in relation to Bihar Prohibition and Excise Act, 2018, but he is on bail in all the cases.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner appears to be a habitual criminal.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from an orchard of one 'Chunchun Ojha', which is an open place, easily accessible to all. That apart, barring disclosure of the name of the petitioner by co-villagers, there is no other material, let the petitioner above named 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 Special Judge Exclusive Excise Court – II, Sitamarhi in connection with Sursand P.S. Case No. 19 of 2022, 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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