

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6853 of 2024

Arising Out of PS. Case No.-136 Year-2023 Thana- DHANKUND District- Banka

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RANJEET DAS Son of Hirday Das Resident of Village-Fattuchak, Post
Office-Dhoraiya, Police Station-Dhuraiya, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Neerad Parashar, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Dhankund P.S. Case No. 136 of 2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2022.

3. As per prosecution case, 75 litre country made
mahua liquor was recovered from the motorcycle in question
which was being driven by the petitioner and he was
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is not the owner of the seized motorcycle in question.
He is apprehended on the spot merely on the basis of suspicion.
Except suspicion, there is nothing on record to demonstrate the



complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 11.12.2023 and bears criminal antecedent of one case. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no compliance of Section 100 of Cr.P.C. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge – II, Banka in connection with Dhankund P.S. Case No. 136 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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