

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69350 of 2023

Arising Out of PS. Case No.-158 Year-2023 Thana- AMBA District- Aurangabad

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Ranjan Kumar Son Of Mahendra Saw Resident Of Village - Hariharganj,
Baidh Bigha (BADBIGHA), P.S. - Hariharganj, District - Palamu
(JHARKHAND)

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-02-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner apprehends his arrest, in connection
with Amba P.S. Case No. 158 of 2023 dated 07.07.2023,
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise (Amendment) Act, 2018.

3. The prosecution case as emerges from the FIR is
that total recovery of 120.96 litre country made liquor has been
made from a tempo.

4. Ld. counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case and as per allegation, 120.96 litre of illicit liquor has been
recovered from the tempo. However, the same is not owned by



the petitioner, nor he was sitting in the said vehicle and allegedly he had escaped from the tempo. He further submits that there is no incriminating allegation against the petitioner, as such, no *prima facie* case is made out against the petitioner. He further submits that anticipatory bail petition is maintainable.

5. It has also been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above named, to be enlarged on bail in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Special Judge, Excise, Court No. I, Aurangabad, in connection with Amba P.S. Case No. 158 of 2023, subject to the conditions as laid down under Section 438



(2) Cr.P.C. and the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has given wrong statement regarding his criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

9. Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J.)

Ravishankar/
Shoaib

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