

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84379 of 2023

Arising Out of PS. Case No.-236 Year-2023 Thana- BENIPATTI District- Madhubani

Ranjit Kumar Son Of Siasaran Kamat Resident Of Village- Jafra, Ps- Bisfi
(PATAUNA Op), Distt- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Prakash
		Mr. Gagan Deo Yadav
For the Opposite Party/s :		Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Benipatti P.S. Case No. 236 of 2023 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, 54 litre foreign liquor was recovered from Tempo vehicle in question and petitioner apprehended on spot being the driver of the said vehicle.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that petitioner being owner and driver of the



said vehicle, has no knowledge about the illicit liquor which was kept in the Tempo vehicle in question. Petitioner was carrying the passengers seated in the said vehicle while he was apprehended on spot on account of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged recovery. Basically no incriminating article has been recovered from conscious possession of the petitioner. Petitioner is in custody since 16.10.2023. Learned counsel orally submits that chargesheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Petitioner bears no criminal antecedent.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, 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 Sessions Judge-II-cum-special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 236 of 2023, subject to



the 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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