

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5377 of 2025

Arising Out of PS. Case No.-1229 Year-2024 Thana- Excise P.S. District- Aurangabad

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Ravi Ranjan @ DM S/o Late Ganga Yadav R/o Village- Bhaiyaram Bigha,
P.S.- Madanpur, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the State : Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-02-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the petitioner, apprehending his arrest, in connection with Excise PS. Case No.- 1229 of 2024 dated 11.12.2024, registered for the offences punishable under Sections 30(a) and 32(3) of the Bihar Prohibition & Excise (Amendment) Act, 2018 and Sections 41(1) and 41(2) of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, there is recovery of 40 litre illicit liquor from the house of the co-accused Baby Devi and in the confessional statement of co-accused Baby Devi, the name of the petitioner has transpired in the alleged offence.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this



case. He further submits that there is no recovery from possession of the petitioner. He further submits that the recovery is from Baby Devi and confessional statement made before the police by the co-accused Baby Devi has no evidentiary value and there is no evidence against the petitioner and hence, there is no *prima facie* case is made out under the Excise Act against the petitioner and present petition is maintainable and petitioner is entitled to release on bail.

5. 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.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has no criminal antecedent.

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

8. Considering the aforesaid facts and circumstances, **this petition 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 Excise Judge-II, Aurangabad, in connection with Excise P.S. Case No.- 1229 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, Ld. court below shall cancel the bail bonds 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.

(Jitendra Kumar, J.)

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