

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.66137 of 2024

Arising Out of PS. Case No.-243 Year-2024 Thana- SARAIYA District- Muzaffarpur

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Rajiv Ranjan Kumar, aged about 35 years, Male, Son of Lalit Narayan Choudhary, Resident of Village- Bhatauliya P.S.- Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravi Ranjan, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

3 17-01-2025 Heard Mr. Ravi Ranjan, learned counsel appearing on behalf of the petitioner and Mr. Pradeep Narain Kumar, learned APP for the State.

2. Petitioner seeks regular bail in connection with Saraiya P.S. Case No. 243/2024 registered for the offences punishable under Sections 272, 273/34 of the Indian Penal Code and Sections 30(a), 36, 41(i) and 41(ii) of the Bihar Prohibition & Excise Act.

3. As per the allegation made in the FIR, 711 litres of



illicit liquor was recovered from an orchard.

4. Learned counsel appearing on behalf of the petitioner informs that petitioner was released on pre-arrest bail vide order dated 21.08.2024 passed in Cr. Misc. No.51172 of 2024, however, before the order was passed, the petitioner was arrested on 24.07.2024. At the time of hearing of the case, the petitioner was not having the said information, as Parivikar concerned or any of the family members had not informed the said fact, for which the petitioner should not be held responsible, who is behind custody since 25.07.2024. On these grounds, learned counsel submitted that the petitioner had already made out a case to be released on bail.

5. Learned APP appearing for the State vehemently opposed the bail prayer and submitted that the date of filing of the earlier bail application was 12.07.2024 and the order granting anticipatory bail was passed on 21.08.2024. In the meantime, petitioner was arrested on 24.07.2024, which fact was not brought to the notice of this Court, which shows that the petitioner has suppressed the vital information from this Court for obtaining bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the order granting



anticipatory bail was passed on 21.08.2024, whereas the petitioner was already arrested on 24.07.2024, I am surprised as to why the *Parivkar* of the petitioner has not given such information to his counsel during this period. After development of the technology and uploading of the FIR on the official website and the development which takes place in respect of the investigation is known to the Investigating Officer. The counsels concerned must be conscious in future in respect of development which takes to avoid inconvenience as this Court must be having correct information about the persons seeking anticipatory bail. At the same time, the investigating officer of the case must also give information to learned State counsel, who is in-charge of the case. The petitioner, who was already in custody, cannot be held responsible for not giving correct information on whose behalf the learned counsel was appearing.

7. As I have already granted anticipatory bail to the petitioner *vide* order dated 21.08.2024 passed in Cr. Misc. No.51172 of 2024 and considering the allegation made in the FIR that alleged recovery of illicit liquor was made from an orchard, which can easily be accessible by anyone, I am of the opinion that petitioner has *prima facie* made out a case to be released.



8. The learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No.II, Muzaffarpur in connection with Saraiya P.S. Case No. 243/2024 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

9. Let a copy of this order be communicated to the



learned Advocate General, so that appropriate steps can be taken for giving status of the investigation by the investigating officer to the concerned APP in each and every case.

(Purnendu Singh, J)

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