

IN THE HIGH COURT OF JHARKHAND AT RANCHI

B.A. No.5599 of 2024

Subodh Kumar Singh	...	Petitioner
	Versus	
The State of Jharkhand	...	Opposite Party

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner	: Mr. P.A.S. Pati, Adv.
	: Mr. Abhijeet, Adv.
	: Ms. Anjali Kumar, Adv.
For the State	: Ms. Lily Sahay, A.P.P.

Order No.03 /Dated- 18.07.2024

Heard learned counsel for the parties.

2. The petitioner has been made accused in connection with Complaint Case No. 162 of 2024, registered for the offence under Sections 47(a) of Jharkhand Excise Act which is pending in the Court of Learned Additional Chief Judicial Magistrate, Ghatshila.

3. As per FIR, on secret information, informant along with others conducted a raid in Omkar Bar and Restaurant and it was found that wine was being served there by the accused. Thereafter, accused was taken into custody and material was seized.

4. Learned counsel for the petitioner has submitted that petitioner is license holder of Wine Bar. As per complaint lodged by the Excise Department, allegation against the petitioner is that he was selling wine on the date of Parliamentary Election which is called as dry day and punishable under Section 135 (C) in Representation of Peoples Act, 1951, but the offence is levelled against the petitioner under Section 47 (a) of Excise Act. Petitioner is in judicial custody since 25.05.2024. Petitioner undertakes to cooperate in the trial of the case by remaining physically present as and when required and shall not indulge in any manner in tampering with the prosecution evidences or influencing the witnesses of prosecution. Hence, the petitioner may be extended the privilege of bail.

5. On the other hand, learned Addl.P.P appearing for the State has opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, materials available against the petitioner and in view of custody period of the petitioner, I am inclined to release the petitioners on regular bail. Accordingly, the petitioner named above is directed to be released on bail on furnishing of bail bond of Rs.20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of Learned Additional Chief Judicial Magistrate, Ghatshila in connection Complaint Case No. 162 of 2024 subject to the conditions:-

(1) Petitioner shall remain physically present on each and every date till the conclusion of the trial of this case unless prevented from sufficient cause to the satisfaction of the learned Trial Court.

(2) Petitioner shall not indulge in any or other similar offence till the conclusion of the trial.

(3) Petitioner shall not indulge in tampering with the prosecution evidences or influencing the prosecution witnesses.

(Pradeep Kumar Srivastava, J.)

Amar/-