

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.27273 of 2018**

Arising Out of PS.Case No. -89 Year- 2017 Thana -PIYAR District- MUZAFFARPUR

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Ajay Kumar Jha @ Babua Don @ Ajay Jha S/o Kameshwar Jha, R/o Vill.-  
Dharmagatpur, P.S.- Sakra, District- Muzaffarpur.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Smt. Asha Devi

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**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA  
JAISWAL**

**ORAL ORDER**

2      04-05-2018                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail in a case registered for the  
offence punishable under Sections 272 and 273 of the Indian Penal  
Code and Sections 30(a), 38 and 41 of the Bihar Prohibition and  
Excise Act, 2016.

34.170 litres of foreign liquor is said to have been  
recovered from pickup van and two persons, namely, Ravindra  
Kumar and Nitesh Kumar were apprehended and they disclosed  
that they have purchased the aforesaid liquor from the petitioner.

It is submitted by learned counsel for the petitioner  
that no incriminating article has been recovered from the  
conscious physical possession of the petitioner. He has no concern



either with the seized liquor or the vehicle in question or any trade of liquor. He was not apprehended on the spot. He has been falsely implicated in the case by aforesaid Ravindra Kumar and Nitesh Kumar due to animosity. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the disclosure made by the aforesaid persons. He has been languishing in custody since 12.12.2017.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise, Muzaffarpur in connection with Piar P.S. Case No. 89 of 2017 corresponding to G.R. No. 366 of 2017.

**(Prakash Chandra Jaiswal, J)**

Mishra/-

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