

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60747 of 2018

Arising Out of PS. Case No.-140 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Ajay Kumar Jha @ Babua Don @ Ajay Kr. Jha @ Babua son of Sri
Kameshwar Jha, resident of Village- 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

Mr. Rohit Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

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

ORAL ORDER

2 03-10-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Excise Case no. 140 of 2017 registered for the offence
punishable under Sections 30(a), 32(2), 38 and 56(d) of Bihar
Prohibition and Excise Act-2016.

3621.57 lts. of foreign liquor and 190 lts. of beer
are said to have been recovered from the open land and from the
Bolero jeep parked in front of the door of Kalpana Gas Agency
which was seized and the petitioner and other accused persons
managed to escape. The accused persons were taking the name
of the petitioner during the course of escaping.



It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized liquor or with the place of recovery or with the vehicle in question. He was not apprehended on the spot. He has been falsely implicated in this case by the personnel of Excise Department at the instance of his enemy. Though, three cases under Excise Act have been lodged against the petitioner, but he is on bail in the aforesaid cases. He has been languishing in custody since 16.09.2017. Earlier, the bail prayer of the petitioner was rejected by this Court vide order dated 03.05.2018 with liberty to renew his prayer for bail after four months. Hence, he deserves bail.

In the facts and circumstances of the case, 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 Excise Case no. 140 of 2017.

(Prakash Chandra Jaiswal, J)

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