

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16435 of 2019**

Arising Out of P.S. Case No.-46 Year-2019 Thana- BARHARA District- Bhojpur

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AJIT KUMAR YADAV @ CHHOTA KUMAR YADAV @ CHHOTE KUMAR, Male, aged about 22 years, Son of Panna Lal Yadav Resident of Village - Khabaspur, Bali Ke Tola, P.S.- Khawaspur, Distt.- Bhojpur. (Ara.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER**

2 28-03-2019 Heard the learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 05.02.2019 in connection with Excise Case No.218 of 2019 arising out of Barhara (Sindh O.P.) Case No.46 of 2019 for the offence alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case as lodged by the informant police personnel is that the petitioner was apprehended in a motorcycle carrying 52.200 liters of illicit liquor. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and



has been falsely implicated in the aforesaid case. He further submits that the motorcycle did not belong to him and he is a victim of highhandedness of the police. Petitioner undertakes to cooperate in the investigation and not to tamper with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear any criminal antecedent as stated in para-3 of the present application, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Excise Case No.218 of 2019 arising out of Barhara (Sindh O.P.) P.S.Case No.46 of 2019 to the satisfaction of learned 4th Additional District Judge, Bhojpur at Ara, subject to the conditions that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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