

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18833 of 2019

Arising Out of PS. Case No.-13 Year-2019 Thana- HATHAURI District- Muzaffarpur

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AJAY KUMAR S/o Goni Rai Resident of village- Maksudpur, P.S.-
Meenapur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party/s : Mr. Anish Chandra, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

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

State.

The petitioner seeks bail in **Hathauri P.S. Case No. 13 of 2019**, instituted for the offence under Section(s) 272, 273, 120B of Indian Penal Code, Sections 30(a) and 38(i)(ii) of Bihar Prohibition and Excise Act, 2016.

It is alleged in the written report by the informant Rajpat Kumar who was SHO of Hathauri Police Station that he on suspicion intercepted Truck bearing Registration No. DL-1GB-7531 LEYLAND on 19.1.2019 in which cartons of Aqualite *Chappals* were loaded. It is further alleged that on search, total 1306.800 litres Haryana made liquor kept under the said cartons have been recovered. On interrogation, the petitioner who was also accused in Hathauri P.S. Case No. 12 of



2019 disclosed that the aforesaid consignment was being brought by seven accused persons but all of them escaped and he only has been apprehended. He also disclosed that the aforesaid liquor and other materials were brought by Bimlesh Rai, Vijay Rai, Mukesh Rai, Pankaj Rai, Jalandhar Rai and Rakesh Rai who were apprehended by the patrolling team in village Paramjivar. He told the informant that action plan was prepared by the co-accused Bimlesh Rai.

Counsel for the petitioner submits that on the date of occurrence, he was returning from Gorakhpur and was on way to his village near Yagnashala. The police intercepted the petitioner and directed him to become the seizure list witness. Since petitioner refused to become the seizure list witness, he has been implicated in two different cases on the same day by the informant.

Petitioner is in custody since 22.11.2018 having clean antecedent.

Considering the aforesaid facts and circumstances of the case, prayer of the petitioner for grant of bail is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned



Special Judge, Excise, Muzaffarpur, in connection with
Hathauri P.S. Case No. 13 of 2019, subject to the condition
that both the bailors will be close relatives of the petitioner.

(Sanjay Priya, J)

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