

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41223 of 2021

Arising Out of PS. Case No.-121 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ajay Kumar Sharma Son Of Vijay Sharma Resident Of Mohalla - Rani
Pokhar, Koyala Dipo, Bokaro Steel City, Sector -09, Police Station - Harla,
District - Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh, Advocate

For the Opposite Party/s : Dr. Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove
the defects, as pointed out by the office, within four weeks of
resumption of normal court proceeding. In the eventuality of
non-removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in connection with Excise Case
No. 121C2/2021 registered for the offence punishable under
Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioner that
no incriminating article has been recovered from the conscious
physical possession of the petitioner rather 199.5 liters of illicit



foreign liquor is said to have been recovered from TATA Sumo Vehicle bearing registration No. JH 09 P 0911. Petitioner is the driver of the said vehicle. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. He submits that petitioner was apprehended at the spot and is unaware of the fact that illegal liquor was kept inside the vehicle. He has been falsely implicated in this case by the police and seizure list was not prepared in accordance with law. Petitioner has no criminal antecedent as has been mentioned in para-3 of this bail application and he is languishing in custody since 30.05.2021.

Petitioner is agreed to deposit a sum of Rs. 15,000/- (Rupees Fifteen Thousand) in the Chief Minister's Relief Fund, Bihar bearing Account No.2065104000002257, IFSC Code: IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of case, let the above named petitioner, be released on bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge II Cum-Special Judge Excise Act, Begusarai in connection with Excise Case No. 121 C2/2021 subject to following conditions:



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs. 15,000/- (Rupees Fifteen Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

GAURAV S./-

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