

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12580 of 2022**

Arising Out of PS. Case No.-719 Year-2020 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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AJAY RAI @AJAY RAY @ AJAY KUMAR, Son of Umesh Ray Resident of
Village - Barmatpur, P.s.- Muzaffarpur Sadar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh
For the Opposite Party/s : Mr. Kanhaiya Kishore(APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Muzaffarpur Sadar P.S. Case No. 719 of 2020, registered for

the offences punishable under Sections 30 (a) of Bihar

Prohibition and Excise Act, 2016.

As per allegation, altogether 47.250 litres of liquor

and two skin touch mobiles have been recovered from the

spot.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that recovery of liquor was



made from the house of one co-accused Vijay Rai. He further submits that the petitioner was not arrested on the spot. Nothing has been recovered from his conscious possession. Moreover, one similarly situated co-accused, namely, Ankit Kumar has already been granted bail by a Bench of this Court *vide* order dated 06.09.2021, passed in Cr. Misc. No. 20562 of 2021.

The petitioner is in custody since 19.01.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has moved earlier before this Hon'ble Court for grant of anticipatory bail in the event of arrest or surrender vide Cr. Misc. No. 31418 of 2021 but during the pendency of the anticipatory bail application, the petitioner was arrested.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum 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 Muzaffarpur Sadar P.S. Case No. 719 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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