

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22018 of 2022

Arising Out of PS. Case No.-346 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Ajay Kumar Ram Son of Late Rajendra Ram Resident of village -
Kalambagh, Ward No.- 10, Shokhara, Ward No.- 10, P.S. - Phulwariya,
District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rudal Singh, Advocate.

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Rudal Singh, learned counsel for the
petitioner as well as Mr. Md. Nazir Ansari, learned Additional
Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Mufassil (Singhaul) P. S. Case No. 346
of 2021 registered for the offences punishable under Sections 30
(a) of the Bihar Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the
Police, on a secret information, intercepted a Mahindra Bolero



Pick-Up and on search being made total 1216.44 litres Indian made foreign liquor and a mobile phone have been recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner is not named in the F.I.R., however his name has been surfaced in paragraph 64 of the case diary when it came that the seized mobile phone belongs to the petitioner and he used the said mobile phone in conversation with the co-accused persons at the time of occurrence. It has further submitted that in fact, the petitioner is a labourer and just prior to the alleged occurrence his mobile phone had been lost but he being a labourer could not inform the police with regard to the disappearance of his mobile phone. It is next submitted that nothing has been recovered from the person or possession of this petitioner but only because of suspicion his name has been implicated in this case. It is lastly submitted that the petitioner has no concern with the alleged recovered foreign liquor and moreover, the petitioner is in custody since 20.12.2021, having clean antecedent.

On the other hand, learned APP for the State opposes the bail application and submits that the recovered mobile phone was being used for the purposes of conversation with the co-accused persons.



Having considered the submissions made on behalf of the parties and taking into account the fact that except the allegation that the mobile phone of the petitioner was being used for the purposes of conversation with the co-accused persons, there is no other allegation against the petitioner and moreover there is no other material, which suggests the complicity of this petitioner save and except the recovery of the mobile phone and this petitioner is in custody since 20.12.2021 and moreover, the investigation is already completed and the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Excise Judge-I, Begusarai in connection with Mufassil (Singhaul) P. S. Case No. 346 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of



trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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