

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21204 of 2022

Arising Out of PS. Case No.-131 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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Ajay Kumar Son Of Late Sushil Ram R/O Village- Saharsa Gandhi Road
Ward No.-8, P.S.- Sadar, District- Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Sinha, Advocate
For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Let the defects, if any, be removed within four
weeks from today.

Heard Mr. Kamal Kishore Sinha, learned counsel
for the petitioner as well as learned Additional Public
Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Nagar P.S.Case No. 131 of 2022 for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise Act 2018.

As per the prosecution case, it is alleged that on
secret information, the police raided the house of one Anish
Rajak and in a room, the petitioner along with three persons



were found present and on search 5.575 liters foreign and country made liquor was recovered.

It is submitted by the learned counsel for the petitioner that the alleged room from where the recovery has been made was not the room of the petitioner and he was only a tenant in the said house. It is next submitted that petitioner is ASI in the police department and he was not aware as to what was kept in the room. It is also submitted that this petitioner is in custody since 10.03.2022 and moreover, he has already put under suspension and departmental proceeding is going on.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner being a government servant and found involved in the present case.

Having heard the rival contentions of the parties and taking into consideration the fact that recovery was made from the joint possession of all the co-accused persons and moreover, the petitioner is a government servant and is in custody since 10.03.2022 and other co-accused persons having similar allegation have been



granted bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, 1st Aurangabad in connection with Nagar P.S. Case No.131 of 2022 subject to the condition that one of the bailors will be the close relatives 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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