

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21193 of 2022

Arising Out of PS. Case No.-421 Year-2020 Thana- VAISHALI District- Vaishali

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Ajay Kumar Son of Nagendra Ray R/O Village- Karneji, P.S.- Belsar O.P.,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-06-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Vaishali (Belsar O.P.) P.S. Case No. 421/2020 registered for the

offences punishable under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016.

As per prosecution case, informant and other

police officials got secret information, the petitioner and other

accused persons were involved in the trade of illicit liquor.

During course of conducting search, total 630.360 liters of

foreign liquor has been recovered from the cattle shed situated

beside the house of the petitioner.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner and it is recovered from the open place just behind the house of the petitioner. It is alleged that there is no proper compliance of Section 100 of the Code of Criminal Procedure as both the seizure list witnesses are police official and member of raiding party. He further submits that the petitioner is in custody since 25.03.2022 and the petitioner bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tempering the prosecution evidence.

The learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II cum Excise Court, Vaishali at Hajipur in connection with Vaishali (Belsar O.P.) P.S. Case No. 421/2020,



subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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