

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24574 of 2022

Arising Out of PS. Case No.-230 Year-2021 Thana- GAIGHAT District- Muzaffarpur

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Ajay Rai @ Ajay Kumar @ Ajay Kumar Yadav Son Maheshwar Rai Resident
Of Village- Mohmadpur, Sura, P.S.- Gaighat, District- Muzaffarpur. At
Present Resident Of Village- Sipahpur, P.S.- Ahiyapur, Distict- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in a case registered in connection
with Gaighat P.S.case No. 230 of 2021 for the offences
punishable under Sections 272,273/34 of the Indian Penal Code
and section 30(a) 36, 41(1) of the Bihar Prohibition & Excise
Act 2016.

As per the prosecution case, it is alleged that while
the police party was on patrolling duty, they got information that
one Nandan Kumar has kept foreign liquor in Gumati and raid



was conducted altogether 70.23 liters of foreign liquor was recovered. It is alleged that apprehended persons disclosed that seized liquor was given to him by co-accused Ajay Rai.

It is submitted by the learned counsel for the petitioner that petitioner was neither arrested on the spot nor any incriminating material has been recovered from person and possession. It is further submitted that save and except the disclosure made by co-accused persons there is no incriminating material showing the complicity of the petitioner in the present crime. It is further submitted that only because of the past criminal antecedent his name has been implicated in this case. Petitioner is in custody since 13.03.2022 and the investigation is already completed and the charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner and submits that petitioner has been involved in one another case of similar nature.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested on the spot nor any incriminating material has been recovered and his name has been transpired on the disclosure made by apprehended persons and moreover, he is in custody



since 13.03.2022, though investigation has already been concluded and the charge sheet has been submitted, 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 Exclusive Special Excise Court, Muzaffarpur in connection with Gaighat P.S Case no. 230 of 2021 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.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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