

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25305 of 2022

Arising Out of PS. Case No.-81 Year-2022 Thana- FATEHPUR District- Gaya

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Ajay Kumar, Son of Late Dwarika Prasad Yadav, Resident of village-
Machrakh, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2022 Learned counsel for the petitioner is permitted to

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

period of four weeks from today.

Heard Mr. Manish Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Fatehpur P.S. Case No. 81 of 2022 registered
for the offences punishable under Sections 30(a) of the Bihar
Prohibition of Excise (Amendment) Act, 2018.

As per prosecution case, it is alleged that the police in
a vehicle checking apprehended this petitioner, who was riding
on a motorcycle. On search being made altogether 140 litres of
country made Mahua liquor was seized.

It is submitted by the learned counsel appearing on



behalf of the petitioner that in fact nothing has been recovered from the possession of this petitioner, but only because of the fact that some altercation took place with the police personnel at the time of vehicle checking, the recovery has been shown to be made from the motorcycle of the petitioner, which appears to be suspicious. It is further submitted that the petitioner has no concern with the alleged recovered illicit Mahua liquor and moreover the petitioner is in custody since 22.03.2022 having fair antecedent and moreover the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the recovery has been made from the possession of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact the petitioner is in custody since 23.02.2022 having fair antecedent, though the investigation of the crime is already completed and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, Gaya in connection with Fatehpur P.S. Case No.81 of 2022



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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