

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25750 of 2022

Arising Out of PS. Case No.-403 Year-2021 Thana- RAJAOLI District- Nawada

AJAY SINGH S/o Late Kuleshwar Singh Resident of Village- Takula Tand,
Police Station Rajouli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-06-2022 The present matter has been listed under the heading
“To Be Mentioned” on the basis of motion slip filed on behalf of
the petitioner.

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
Rajouli P.S. Case No. 403 of 2021 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 60 litre country made mahua wine from each motorcycle in
question. In the way, total 240 litre country made mahua wine



has been recovered. It is alleged that name of petitioner and others have been surfaced on the verification made by the police.

Learned counsel for the petitioner submits that petitioner is in custody since 15.11.2021 and petitioner bears criminal antecedent of five cases of similar nature in which he has been granted bail in four cases and the police roped the present petitioner merely on suspicion as he was not identified at the place of occurrence or nothing was recovered from possession of the petitioner. In mechanical manner the police usually roped the present petitioner in such type of cases. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted and petitioner is not apprehended on the spot 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 Special Excise Court No. 2, Nawada in connection with
Rajouli P.S. Case No. 403 of 2021, 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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