

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26422 of 2022

Arising Out of PS. Case No.-413 Year-2021 Thana- RAJAOLI District- Nawada

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AJAY SINGH S/o Late Kuleshwar Singh R/o village- Takula Tand, P.S.-
Rajouli, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Man Mohan Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

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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. 413 of 2021 registered for the offences
punishable under Section 30(a)(d) of the Bihar Prohibition and
Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 30 litre country made mahua wine from motorcycle in
question. It is further alleged that co-accused Bindeshwari



Prasad has been apprehended on the spot and name of petitioner has been disclosed by the co-accused Bindeshwari Prasad.

Learned counsel for the petitioner submits that petitioner is in custody since 17.06.2021 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. Petitioner was not arrested on the spot and the name of the petitioner has been surfaced on the disclosure of co-accused Bindeshwari Prasad. 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. 413 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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