

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31079 of 2022

Arising Out of PS. Case No.-15 Year-2022 Thana- NTPC KHAIRA District- Aurangabad

Ajit Kumar Yadav Son Of Late Shivji Singh R/O- Vill- Chak Chatar, P.S.-
Dawath, Dist.- Rohtas

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-08-2022 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 G.R.
No. 310 of 2022 arising out of NTPC Khaira P.S. Case No. 15
of 2022 registered for the offences punishable under Sections
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

As per prosecution case, there is alleged recovery
of 546 litre country made wine from the Scorpio in question and
petitioner was apprehended on spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 30.03.2022 and bears no criminal



antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that petitioner is merely the driver of the Scorpio in question and works as a driver on daily wages. Neither he is the owner of the said vehicle nor has he any concern with the recovered liquor. It has been further submitted that petitioner has been falsely implicated in this case.

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, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail, 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 District and Sessions Judge- IXth -cum-Special Judge, Excise, 2nd, Aurangabad in connection with G.R. No. 310 of 2022 arising out of NTPC Khaira P.S. Case No. 15 of 2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has 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 without appropriate permission, 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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