

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39536 of 2022

Arising Out of PS. Case No.-48 Year-2022 Thana- VIDYAPATINAGAR District- Samastipur

Ajanish Kumar Rai @ Anjani Kumar Roy, S/o Devki Rai, R/o Village-
Sarairanjan, Ward No. -08, P.S.- Sarairanjan, Dist.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 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. Dilip Kumar Roy, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Vidyapatnagar P.S. Case No. 48 of 2022 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that while the police was on patrolling duty, they saw that an empty Tata Pickup vehicle pulling another Tata Pickup Van, the body of which was covered with a Tripal. On suspicion, both the



vehicles were intercepted and from one of the Pickup van, 1638.00 litres of Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner submits that the petitioner only being owner of the empty Pickup Van, his name has been implicated in this case, though neither the petitioner was apprehended at the spot nor any incriminating material has been recovered from his person or possession. He next submits that the Pickup Van, which was found empty, was running by the driver for transportation of goods on rent and he was not even aware as to what was being done by the driver of his Pickup Van. He further submits that so far the recovery is concerned, the same has been made from another Pickup Van, which does not belong to the petitioner. He lastly submits that the petitioner, having fair antecedent, is in custody since 22.05.2022, though the investigation of the crime is already completed.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner being owner of the empty Pickup Van, from which no recovery has been made and, moreover, the same was being run on rent by



the driver and the petitioner, having fair antecedent, is in custody since 22.05.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Special Excise Court-1, Samastipur in connection with Vidyapatnagar P.S. Case No. 48 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)

uday/-

U		T	
---	--	---	--

