

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40413 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- BARH District- Patna

=====

AJAY RAI Son of Vinod Rai Resident of Village - Pachhiyari, Malahi, P.s.-
Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate.

For the Opposite Party/s : Mr. Pronoti Singh, APP.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Mr. Ashok Kumar Kashyap, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Barh P. S. Case No. 321 of 2022
registered for the offences punishable under Section 30 (a) of
the Bihar Prohibition and Excise Act.

As per the prosecution case, it is alleged that the
police, on a secret information, raided Diyara area situated on
the bank of Ganga river, however, on noticing the police party,



other accused persons fled away and two persons, namely, Jagdish Sahani and Ranjeet Sahani were apprehended. It is also alleged that the apprehended persons disclosed the names of their associates including the petitioner. It is further alleged that 520 litres country-made liquor was recovered.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession. It is also submitted that save and except the disclosure made by the apprehended persons, there is no other material suggesting the complicity of the petitioner in the present crime. It is further submitted that the petitioner having fair antecedent, is in custody since 04.06.2022 and moreover, the investigation of the crime is already completed and the charge sheet has been submitted.

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 taking into account the fact that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person or possession, apart from the petitioner having fair antecedent, is in



custody since 04.06.2022, let the petitioner, above named, 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 learned Special Judge, Excise, Barh, Patna in connection with Barh P. S. Case No. 321 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)

shakir/-

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

