

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50116 of 2021

Arising Out of PS. Case No.-115 Year-2021 Thana- VAISHALI District- Vaishali

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AJEET KUMAR Son of Jaleshwar Rai Resident of Village- Belka, P.S.-
Vaishali, District- Vaishali at Hajipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Adv.
For the Opposite Party/s : Md. Iftekhar Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 467, 468, 272, 273 and 34 of the Indian Penal Code and sections 30(a), 32, 33, 34 and 36 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, about 21 litres of liquor, 10 litres of spirit besides several bottles and bottle caps was recovered and the petitioner was made an accused.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No incriminating article has been recovered from his possession. He is in custody since 7.6.2021 and has no criminal antecedent. Chargesheet has been submitted in the case.

The application for bail is opposed learned A.P.P.



for the State who submits that as per the report received from the Superintendent of Police, Vaishali, the petitioner is also an accused in Vaishali P.S. Case no.46 of 2018 dated 6.3.2018. In response, learned counsel for the petitioner files a supplementary affidavit which is taken on record. It is stated therein that while the petitioner is son of Jaleshwar Rai, his co-villager with the same name and who is son of Kameshwar Rai, it is he who is accused in Vaishali P.S. Case no.46 of 2018 and not the petitioner herein.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the statement made in the affidavit filed on behalf of the petitioner together with the petitioner not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Vaishali P.S. Case no.115 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II-cum-Excise Court, Vaishali at Hajipur.

(Partha Sarthy, J)

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