

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52282 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

AJAY KUMAR Son of Mr. Jai Prakash Lal Resident of Village- Jatara, P.S.-
Simri, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P. e

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-04-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State through video
conferencing.

The petitioner seeks regular bail in connection with
Gaighat Police Station Case No. 224 of 2021, registered for the
offences punishable under Sections 272/273/34 of the Indian
Penal Code and Sections 30(a)/36/41(i) of the Bihar Prohibition
and Excise Act, 2016.

The prosecution case, as per the First Information
Report, is that the police, after getting secret information that a
truck along with one swift dzire car was parked near the line
hotel, in which potato and illicit liquor has been kept and the
accused persons were also sitting in the said line hotel,
proceeded towards the place of occurrence and upon seeing the



police party, the accused persons started fleeing away, however, the petitioner, along with other co-accused persons, were arrested by the police and a total quantity of 2966.4 litres of illicit liquor was recovered from the truck and 86.422 litres of illicit liquor was recovered from the swift dzire car, parked near the said line hotel.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police inasmuch as the petitioner, along with his friends, were sitting in the said line hotel. He further submits that the petitioner is neither the owner nor driver of the truck or swift dzire car. He further submits that the petitioner is in custody since 01.07.2021 having no criminal antecedent and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence. He next submits that similarly situated co-accused Deepak Kumar has been granted bail by this Court in Cr. Misc. 50967 of 2021.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record and the fact that the petitioner is neither the owner nor driver of the truck or swift dzire car, the



similarly situated co-accused has been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 01.07.2021, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Muzaffarpur, in connection with Gaighat Police Station Case No. 224 of 2021.

(Anil Kumar Sinha, J)

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