

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46519 of 2022

Arising Out of PS. Case No.-33 Year-2019 Thana- MINAPUR District- Muzaffarpur

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Ajay Ray @ Ajay Kumar, Son of Padarath Ray, Resident of Village -
Manikpur, P.S.- Minapur, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashank Shekhar, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Minapur P.S. Case No. 33 of 2019 registered
for the alleged offences under Sections 272, 273 of the Indian
Penal Code and Sections 30(a), 38 and 41 (I) of the Bihar
Prohibition and Excise Act.

Allegedly, 685.080 litres of India made foreign liquor
was recovered from heap of husk beside the house of the
petitioner. The petitioner is said to have fled away from the spot
and the local Chaukidar named this petitioner.

Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The petitioner has not been arrested from the spot and nothing incriminating has been recovered from his conscious possession. The petitioner has no concern either with the alleged recovery or with the place from where alleged recovery is said to have been made. The other co-accused persons have been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 28.05.2019 passed in Cr. Misc. No. 34607 of 2019. The charge sheet has been submitted in this case. The petitioner is in custody since 11.02.2022.

Learned A.P.P. opposes the prayer for bail made on behalf of the petitioner submitting that the petitioner is a habitual offender.

Having regard to the submissions made on behalf of the petitioner and considering the fact that the petitioner has not been arrested from the spot and no recovery has been shown from his possession and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Muzaffarpur, in connection with



Minapur P.S. Case No. 33 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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