

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55752 of 2021**

Arising Out of PS. Case No.-150 Year-2021 Thana- NAVINAGAR District- Aurangabad

AJAY KUMAR Son of Mithlesh Jaiswal Resident of Village- Tiloki Nagar,
P.S.- Dalmiyan Nagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 25-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Nabinagar P.S. Case No. 150 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

The prosecution case, in short, is that after search from Tempo No. BR 26K/1407, total 300 liters of country made liquor was found.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been



implicated in the present case. He further submits that it appears from the FIR itself that nothing has been recovered from the conscious possession of the petitioner rather the recovery has been made from one Tempo. He further submits that the petitioner was not aware about illegal liquor loaded by co-accused, namely, Ajit Kumar. He further submits that co-accused, namely, Ajit Kumar has been granted bail vide order dated 24.01.2022 in Cr. Misc. No.55365 of 2021 by this Hon'ble Court and the petitioner is in custody since 04.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II-cum-Spl. Judge, Excise, Aurangabad in connection with Nabinagar P.S.Case No.150 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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