

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45870 of 2022

Arising Out of PS. Case No.-624 Year-2021 Thana- ALAMGANJ District- Patna

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Ajay Kumar @ Ajay Ram, Son of Raj Kumar Ram @ Raj Kumar, Resident of
Village - Meena Bazar, Domkhana, P.s.- Alamganj, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mrs.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and
learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Alamganj P.S. Case No. 624 of 2021 registered
for the alleged offences under Sections 30(a), 37(c) and 41(1) of
the Bihar Prohibition and Excise Act.

Allegedly, total 300 litres of country made liquor was
recovered from the terrace of the house of the petitioner. The
petitioner fled away from the spot.

The learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. The petitioner was not apprehended from the spot and



nothing incriminating has been recovered from his conscious possession. The alleged recovery has been planted by the police after petitioner had some altercation with the police as the petitioner is a vendor of vegetables. The petitioner is in custody since 29.10.2021 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner has made accused in one other case.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the submission of charge-sheet along with his period of custody, the petitioner above named 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 Special Judge, Excise Act, Patna City in connection with Alamganj P.S. Case No. 624 of 2021 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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