

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55909 of 2021

Arising Out of PS. Case No.-108 Year-2019 Thana- BANGARA District- Samastipur

MD. AJAJ @ MD. EZAZ @ AYJAJ, S/o Md. Mohid @ Niras, R/o village-
Rahimabad, P.S.- N.H. Bangra, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Ms.Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-03-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within two weeks
after start of normal functioning of the Court.

Heard learned counsel for the petitioner and
Ms.Pushpa Sinha, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Bangara P.S. Case No. 108 of 2019 registered
for the offences punishable under Sections 272, 273 of the
Indian Penal Code and Section 30(a), 41(i) of Bihar Excise
Prohibition Act, 2016. He is in custody since 05.07.2021. The
petitioner has got three criminal antecedents, out of which he is
on bail in two cases.

As per the prosecution story, while the informant was
on patrolling duty got secret information that Pradeep



Chaudhary with his unknown companion is involved in trade of illicit liquor from his house and has stored liquor in his house. The informant reached at the given place where two persons managed to escape from the house of Pradeep Chaudhary. On search of the house, the informant recovered total 128 liters of illicit liquor in different bottles.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the FIR and his name has come in the confessional statement of co-accused Pradeep Chaudhary from whose house the alleged liquor is said to have been recovered. It is submitted that the petitioner has been implicated in this case on the allegation that he was seen fleeing away from the house of Pradeep Chaudhary in the torchlight. The petitioner is in custody since 05.07.2021 and investigation against him is complete.

Ms.Pushpa Sinha, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the recovery of illicit liquor has been made from the house of co-accused Pradeep Chaudhary and the petitioner has been falsely implicated in this case on the allegation that he was seen fleeing



away from the house of Pradeep Chaudhary in the torchlight, the petitioner has already remained in custody in connection with this case since 05.07.2021 and investigation against him is complete, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-cum-Special Judge- 2nd , Samastipur in connection with Bangara P.S. Case No. 108 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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 steps 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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

