

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48083 of 2022

Arising Out of PS. Case No.-231 Year-2020 Thana- PAROO District- Muzaffarpur

AJAY RAI Son of Mr. Bhola Rai Resident of village - Damodarpur, P.S.-
Paroo, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivam
For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Paroo
P.S. Case No. 231 of 2020 registered for the offences punishable
under Sections 30, 30(a) of the Bihar Prohibition and Excise
Act, 2018.

As per prosecution case, there is alleged recovery
of 3453.865 litres of illicit liquor from different vehicles in
question and vacant government land in front of the house of
petitioner. The Chowkidar and other persons disclosed that the
petitioner alongwith others were involved in illegal business of
liquor.



Learned counsel for the petitioner submits that petitioner is in custody since 22.05.2022. Petitioner bears three criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not apprehended on spot. Nothing has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged vehicles in question or with the seized liquor. The place, from where recovery has been made, is government land. Co-accused Sanjay Sah has already been granted bail vide Cr. Misc. No. 49214 of 2021 by a co-ordinate bench of this Court and the case of present petitioner stands more or less on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not apprehended on spot, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties, and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on



furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II in connection with Paroo P.S. Case No. 231 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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