

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48782 of 2022

Arising Out of PS. Case No.-508 Year-2020 Thana- PAROO District- Muzaffarpur

Ajay Rai S/o Mr. Bhola Ray Resident of Village- Damodarpur, P.S.- Paroo,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Udbhav, Advocate
		Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s :		Mr.Shahabuddin Azeem @ S. Azeem,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

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 Paroo P.S. Case No. 508 of 2020 registered for
the alleged offences under Section 30 and 30(a) of the Bihar
Prohibition and Excise Act, 2018.

As per prosecution case, police received secret
information that unloading of illicit liquor from a truck was
going on. The police party along with the local chowkidar
reached the place of occurrence. After seeing the police party
the accused persons started fleeing from the spot taking the



advantage of the darkness they successfully fled from the spot. From the said spot police recovered a total 1530 liters of India made foreign liquor. The name of the petitioner transpired on the basis of statement given by the local chowkidar.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery has been made from the conscious possession of this petitioner. Petitioner was not apprehended from the spot. The petitioner is neither the owner nor the driver of the said container truck seized by the police. Charge sheet has been submitted in this case and the petitioner is in custody since 03.06.2022. Other similarly, placed co-accused persons have been granted bail vide order dated 08.07.2021 passed in Cr. Misc. No. 18732 of 2021, vide order dated 20.12.2021 passed in Cr. Misc. No. 61703 of 2021, vide order dated 17.12.2021 passed in Cr. Misc. No. 41545 of 2021 and vide order dated 18.08.2021 passed in Cr. Misc. No. 19377 of 2021, respectively.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner has criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the



fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody and also considering the grant of bail to other similarly placed co-accused persons, 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 Exclusive Special Judge (Excise) Court No. II, Muzaffarpur in connection with Paroo P.S. Case No. 508 of 2020, 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)

Gautam/Daya

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