

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48293 of 2022

Arising Out of PS. Case No.-259 Year-2020 Thana- SARAIYA District- Muzaffarpur

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Udbhav, Advocate

For the Opposite Party/s : Mrs.Sangeeta Sharma, APP

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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 Saraiya P.S. Case No. 259 of 2020 registered
for the alleged offences under Sections 272, 273 and 34 of the
Indian Penal Code and Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution, on receipt of secret information
police intercepted a truck and on search total 4455.75 litres of
India made foreign liquor was recovered from the said truck. The
driver of the truck was apprehended from the truck and he disclosed
the name of this petitioner for being involved in illicit trade.



The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from his conscious possession and the petitioner was not apprehended from the spot. The petitioner is neither the owner nor the driver of the said truck. The petitioner has no concern either with the allegedly recovered illicit liquor or the driver of the truck. The petitioner is in custody since 03.06.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner is a habitual offender and is accused in three other cases of similar nature.

Having regard to the submissions made hereinabove and considering the fact that the recovery has not been shown from this petitioner and the petitioner was not apprehended from the spot and further considering the submission of charge-sheet along with her 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 Exclusive Special Judge Excise, Court No.-II, Muzaffarpur in connection with Saraiya P.S. Case No. 259 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)

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