

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63443 of 2021

Arising Out of PS. Case No.-172 Year-2019 Thana- MAHINDWARA District- Sitamarhi

Ajay Rai, Son of Late Deni Rai, Resident of Village - Chhapra, P.S.- Minapur,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advrtise
For the Opposite Party/s : Mrs.Pushpa Sinha1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 30-05-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Mahindwara P.S. Case No.172 of 2019 registered for the offence punishable under Sections 30(a), (b), (c), (f), 37 and 41 of the Bihar Prohibition and Excise Act, 2018.

435.960 litres illicit liquor has been recovered from a pick-up truck. The petitioner has been implicated based on information that the same had been brought by the petitioner for its illicit trade.

Petitioner's counsel submits that the petitioner is in custody since 12.08.2021. The implication is based merely on suspicion and even as per prosecution case, the petitioner was not present at the place of recovery. The truck also does not



belong to the petitioner. Investigation is complete.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, the period of custody as also the submission that investigation is complete, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-II-Cum-Special Judge, Excise Act, Sitamarhi, in connection with Mahindwara P.S. Case No.172 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his



bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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