

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52544 of 2022

Arising Out of PS. Case No.-342 Year-2019 Thana- KALYANPUR District- Samastipur

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AJIT KUMAR @ AJEET KUMAR RAI S/o Dev Narayan Rai @ Deo
Narayan @ Devan Rai R/o village- Dubarbanna, P.S.- Warisnagar, District-
Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-10-2022 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 through virtual mode.

The petitioner seeks bail in connection with
Kalyanpur P.S. Case No. 342/2019 registered for the offences
punishable under Sections 30(a), 41 (I) (ii) of the Bihar
Prohibition and Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery of
total 586.80 liters foreign liquor from Bolero pick-up van in
question. The petitioner was not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case due to owner of the said pick-up van but the petitioner has sold the said van to one Avinash Kumar and the sale agreement is at Annexure-2 of the bail petition. The petitioner is languishing in custody since 08.07.2022 and bears criminal antecedent of one case which is not similar to the present case in which he is on bail. The petitioner is not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner has neither concerned with the said pick-up van nor concerned with the seized liquor.

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, period of custody, petitioner is not apprehended on the spot, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court No.01, Samastipur in connection with Kalyanpur P.S. Case No. 342/2019, 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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