

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55232 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- BALRAMPUR District- Katihar

AJAY DAS S/o Ashok Das R/o village- Dalkhola, Deshbandhupara, P.S.-
Dalkhola, District- Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with
Balrampur(Telta) P.S. Case No. 131 of 2021 registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, informant got information
that between the vegetables loaded on one Bolero, wine is
hidden under it. Upon search, the police recovered 837 litres of
English wine of different brands from the said Bolero. It is also
alleged that from the possession of the apprehended co-accused
one mobile was recovered and he disclosed that particular



mobile belongs to the petitioner who had told him to be in contact.

Learned counsel for the petitioner submits that petitioner is in custody since 30.08.2022 and bears no criminal antecedent. He further submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner has no concern with the alleged recovered wine. He further submits that petitioner is quite innocent and falsely implicated in the case. Petitioner is not apprehended on spot.

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

Considering the facts and circumstances of the case, period of custody, petitioner is not apprehended on spot, keeping in view clean antecedent, 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.1, Katihar in connection with Balrampur(Telta) P.S. Case No. 131 of 2021, 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)

vashudha/-

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