

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67148 of 2021

Arising Out of PS. Case No.-84 Year-2019 Thana- SALIMPUR District- Patna

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Ajay Rai, Son of Lal Bahadur Rai @ Raj Ballam Rai @ Ballav Rai, Resident
of Village - Kaladiyara, P.S.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of starting of Court proceeding in
physical mode in normal course.

The petitioner seeks bail in connection with Special
Case No. 4202 of 2019 arising out of Salimpur P.S. Case No.
84 of 2019 registered for the offence under Sections 30(a),
32(1)(2), 38(1)(2), 41(1), 47 of the Bihar Prohibition and Excise
Act.

Recovery is of 3476 liters of illicit liquor is made
from a pick up van.

Learned counsel appearing for the petitioner submits
that the petitioner is not named in the FIR and has falsely been



implicated in this case only on the basis of confessional statement of co-accused namely Ganesh Kumar@ Sonu and Uday Kumar @ Gope in other case vide Khusrupur P.S. Case No. 277 of 2019. He further submits that nothing has been recovered from the conscious possession of the petitioner and the co-accused namely Arjun Yadav has been granted anticipatory bail vide order dated 13.12.2019 passed in Cr. Misc. No. 82950 of 2019. The petitioner is rotting in judicial custody since 11.09.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submitted that petitioner has two criminal antecedent, out of which he is on bail in one case.

Considering the facts and circumstances of the case, let the above named, petitioner 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 Special Judge, Excise Act, Patna in connection with Special Case No. 4202 of 2019, arising out of Salimpur P.S. Case No. 84 of 2019, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and



on his absence on two consecutive dates without sufficient reason, his bail bond shall be canceled by the Court below.

(2) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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