

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 67483 of 2021**

Arising Out of PS. Case No.-665 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

GANESH RAJAK Son of Birchandra Rajak Resident of Village -
Kanchanpur, P.S. - Bidupur, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr Md Matloob Rab, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Hajipur Sadar Police
Station (for brevity, PS) Case No 665 of 2021 dated 21.07.2021
registered for the offence punishable under Section 414 of
Indian Penal Code and Section 30 (a) of Bihar Prohibition and
Excise Act, 2018.

150 liters country made liquor has been recovered
from a bag, kept beneath the seat of the Tempo. Petitioner has
been apprehended from the Tempo.

Learned counsel submits that the petitioner was a
bona fide passenger, oblivious of the contents in the bag kept



beneath the seat on which he was travelling. Under such circumstances, he has been arrested and remained in custody since 22.07.2021. It is further submitted that the petitioner is on bail in Complaint Case No C2A 240 of 2017. It is also submitted that the investigation is complete and even, as per prosecution case, no recovery of illicit liquor is attributed from the petitioner's possession.

The learned APP has opposed the prayer for bail. It is submitted that there is an antecedent of the petitioner.

Considering the rival submissions, period of custody, the manner of recovery, recovery being not from the petitioner's possession as also the fact that investigation is complete, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge -cum- Special Judge, Excise Act, Vaishali at Hajipur in Hajipur Sadar PS Case No 665 of 2021 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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