

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57234 of 2022

Arising Out of PS. Case No.-410 Year-2022 Thana- SARAIYA District- Muzaffarpur

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Ajay Kumar Singh Son Of Late Ram Sigar Singh R/O Village- Patedhi, P.S.-
Saraiya, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sangeeta Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Saraiya P.S. Case No. 410 of 2022 registered
for the alleged offences under Sections 272 and 273 of the
Indian Penal Code and under Section 30(a) of the Bihar
Prohibition and Excise Act.

As per prosecution case, police received secret
information about the petitioner bringing illicit liquor in huge
quantity for selling the same. A raid was conducted on the house
of the petitioner who was apprehended after chase. From three
vehicles, parked in the house of the petitioner, 130.140 liters of

India made foreign liquor was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner has got no concern with any of the vehicle seized by the police and nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the allegedly seized liquor and the police has arrested the petitioner merely on suspicion. There has been no compliance of the mandatory provision of Section 100 of the Cr.P.C. during search and seizure. Charge sheet has been submitted in this case and the petitioner is in custody since 16.06.2022. The petitioner has got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the submission of charge sheet along with period of custody of the petitioner and his clean antecedent, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Court No. II, Muzaffarpur in connection with Saraiya P.S. Case No.

410 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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