

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58768 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

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Ajay Ray @ Virjodhan Rai, Son of Akindra Rai, Resident of Village- Raksa,
P.S.- Karja, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 60028 of 2022

Arising Out of PS. Case No.-209 Year-2021 Thana- AMAS District- Gaya

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Mukesh Rai @ Mukesh Kumar Son Of Sahdeo Rai R/O Village-
Chakchuchar, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 58768 of 2022)

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 60028 of 2022)

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of Amas P.S.

Case No. 209 of 2021 as such, they have been heard together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the

office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Amas P.S. Case No. 209 of 2021 registered for the alleged offences under Section 30(a), 33 and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, on the basis of secret information, a truck was intercepted and on search of this vehicle, 4000 liters of spirit was recovered. The co-accused driver was apprehended who named the petitioners being the kingpin of a gang of liquor smugglers who were involved in manufacture of illicit country made/spurious foreign liquor and used to sell the same.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that the petitioners were not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioners. Charge sheet has been submitted in this case and the petitioners are in custody since 03.06.2022 and 05.09.2022, respectively.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners have got criminal cases pending against them.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet along with period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 02, Gaya in connection with Amas P.S. Case No. 209 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioners.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the

terms of the bail, the bail bond of the
petitioners will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

Gautam/daya

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