

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68407 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- BELSAND District- Sitamarhi

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Ajay Kumar @ Ajay Kumar Srivastava S/o Late Nageshwar Prasad R/v-
Damodarpur, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Belsand
P.S. Case No. 107 of 2022 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.09.2022.

The allegation against the petitioner is to involve in
illegal trading/manufacturing of foreign liquor, where 210.345
liters of IMFL/country made liquor was recovered from the
alleged Scorpio.



Learned counsel appearing on behalf of the petitioner submitted that the petitioner is implicated in the present case only being the owner of alleged vehicle from where alleged illicit liquor was recovered. It is said that the vehicle was already sold to Md. Muzammil and as registration certificate could not transferred in the favour of new purchaser, petitioner is implicated in this case purely due to technical reason, where admittedly, no illicit liquor was recovered from the possession of this petitioner. While concluding the argument, it is categorically submitted that petitioner is a man of clean antecedent and moreover, investigation in this case is complete for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State opposes the prayer of bail.

In view of the facts and circumstances, as mentioned above, as no illicit liquor was recovered from the conscious physical possession of this petitioner, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Belsand P.S. Case No. 107 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of learned Special Judge, Exclusive Excise Court-II, Sitamarhi/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C. with further condition:-

“That Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

Pooja-Anup/-

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