

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2254 of 2023**

Arising Out of PS. Case No.-579 Year-2022 Thana- KESARIA District- East Champaran

Ajay Kunwar Son Of Indradeo Kunwar @ Indrajeet Kumar R/O Village-  
Dilawarpur, P.S.- Kesariya, District- East Champaran

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 5579 of 2023**

Arising Out of PS. Case No.-579 Year-2022 Thana- KESARIA District- East Champaran

Rustam Sai @ Md. Rustam S/O Ahmad Sai R/O Village- Dilawarpur, P.S.-  
Kesariya, Distt- East Champaran, Motihari.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 2254 of 2023)

For the Petitioner/s : Mr.Brajesh Kumar Singh

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 5579 of 2023)

For the Petitioner/s : Mr.Binoy Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

2      05-04-2023                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

The petitioners have prayed for bail in a case  
  
registered for the offence punishable under sections 272,  
  
273 of Indian Penal Code and Section 30(a) of the Bihar



Prohibition and Excise Act.

Prosecution case relates to recovery of 50.400 litres of I.M.F.L. from an Alto car bearing registration number BR-01BT-6499 and 77.760 litres of I.M.F.L. from the bush.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in the present case. Nothing has been recovered from the conscious possession of the petitioners. There is no independent witness of the alleged seizure. The name of petitioner, namely, Rustam Sai @ Md. Rustam (Cr. Misc. No. 5579 of 2023) sprang up in this case on the confessional statement of petitioner, namely, Ajay Kunwar(Cr. Misc. No. 2254 of 2023), as his associate. Petitioner, namely, Rustam Sai @ Md. Rustam (Cr. Misc. No. 5579 of 2023) is not apprehended on spot. Moreover, Petitioners are languishing in judicial custody for more than 3 months.

In contra, learned A.P.P. appearing on behalf of



State vehemently opposed the prayer of bail and submitted that petitioner, namely, Ajay Kunwar (Cr. Misc. No. 2254 of 2023) was arrested on spot.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 2, East Champaran, Motihari / concerned Court in connection with Kesariya P.S. Case No. 579 of 2022.

The petitioner, namely, Ajay Kunwar(Cr. Misc. No. 2254 of 2023) is directed to deposit a sum of Rs. 20,000/-(Rupees Twenty Thousands) in the concerned District Legal Services Authority.

The bail bond of the petitioner, namely, Ajay Kunwar(Cr. Misc. No. 2254 of 2023) shall be accepted



by the learned Court below on showing receipt of deposit  
of Rs. 20,000/- (Rupees Twenty Thousands) in District  
Legal Services Authority of concerned District.

(Sunil Kumar Panwar, J)

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