

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22639 of 2023

Arising Out of PS. Case No.-208 Year-2022 Thana- BUXAR RAIL P.S. District- Bhojpur

AJIT KUMAR SON OF HAKIM YADAV R/O WARD NO.12, VILLAGE-
SADAWAR, P.S.- DULHIN BAZAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Mritunjay

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Rail
Buxar P. S. Case No. 208 of 2022, B.P. No. 510 of 2023
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition & Excise Amendment Act, 2018.

As per prosecution case, there is alleged recovery
of 1214 litres of illicit liquor of different brands from various
bags in question. 19 miscreants including the petitioner were
apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is in custody since 31.12.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and
there is no likelihood of tampering with the prosecution



evidence. He further submits that neither any recovery has been made from the conscious possession of the petitioner nor has he any concern with apprehended accused persons.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court 1st, Bhojpur at Ara in connection with Rail Buxar P. S. Case No. 208 of 2022, B.P. No. 510 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive



dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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