

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31747 of 2023

Arising Out of PS. Case No.-495 Year-2022 Thana- DELHA District- Gaya

Ajad Kumar Son of Late Sunil Prasad Resident of Powerganj Bairagi
Kumhartoli, P.S.- Delha, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
26.12.2022 in connection with Delha P.S. Case No. 495 of 2022,
F.I.R. dated 25.12.2022 for the offences punishable under
Section 30(a), 45 and 37(ii) of the Bihar Prohibition and Excise
Amendment Act.

4. Recovery is of 550 ml of Gold Father supreme
strong Beer.

5. Learned counsel for the petitioner submits that
petitioner innocent and he has falsely been implicated in the



present case. He further submits that it appears from the F.I.R. that the petitioner was apprehended in a drunken condition and 550 ml of Gold Father supreme strong Beer has been recovered from the possession of the petitioner. He further submits that there is non-compliance of Section 100 of Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 26.12.2022.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge cum Exclusive Special Excise Court No. 01, Gaya in connection with Delha P.S. Case No. 495 of 2022, subject to the following conditions:-

- i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date



fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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