

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25374 of 2023

Arising Out of PS. Case No.-120 Year-2021 Thana- JAMHOR District- Aurangabad

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Ajay Kumar S/O Ravi Lal, Resident of village- Kothi Deora, P.S. Solen,
District- Solen, Himachal Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

2 18-05-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Jamhor
P. S. Case No. 120 of 2021, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act, 2016.

As per allegation, 3518.640 litres of liquor was
recovered from a Tata truck.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that the petitioner was the driver of the truck and he was not aware of the contents of the material loaded in the truck as he was driving the truck on the instruction of his owner. He further submits that search and seizure has not been made as per the procedure as prescribed under Cr.P.C.

He further submits that the petitioner has been languishing in jail since 31.08.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,
this application is allowed.



As per the Ld. Counsel for the petitioner, the petitioner has no family members and that is why no bail petition was moved on his behalf though he was languishing in jail since August, 2021. He further submits that he has filed bail application on behalf of the petitioner as a Panel Lawyer of Patna High Court Legal Services Committee. Hence, he prays that it is a peculiar case and the petitioner should be enlarged on personal bond of Rs. 20,000/- (twenty thousand).

Hence, the petitioner, above-named, be enlarged on bail on personal bond of Rs. 20,000/- (twenty thousand) to the satisfaction of Ld. Special Judge (Excise)-II, Aurangabad, in connection with Jamhor P. S. Case No. 120 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.



(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a



period of one month and the Registry is directed to issue the
certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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