

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24658 of 2023**

Arising Out of PS. Case No.-335 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Ajay Kumar Jaiswal @ Ajay Ku. Jaiswal S/O Ramesh Jaiswal @ Ramesh Lal  
Jaiswal R/O Village- Hata, P.S- Chainpur, Distt.- Kaimur (Bhabua).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Ajay Kumar No. 2, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

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

The petitioner seeks bail in connection with  
  
Chainpur P.S. Case No. 335 of 2022, registered for the  
  
offences punishable under Section 30(a) of the Bihar  
  
Prohibition and Excise (Amendment) Act, 2018.

As per allegation, from the bag of the petitioner,  
  
total 5.605 litres of illicit liquor were recovered. The  
  
petitioner was arrested from the spot.

Learned 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 physical possession of the petitioner. He also submits that the petitioner has maliciously been roped in the present case.

He further submits that the petitioner has been languishing in jail since 11.12.2022.

It has also been stated in paragraph no. 3 of the bail petition that apart from the present case, the petitioner is also made accused in four other cases.

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

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise No.1-cum-Additional District Judge-IV, Kaimur at Bhabhua, in connection with Chainpur P.S. Case No. 335



of 2022, 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 other than the disclosed one, learned 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, learned 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)**

Amrendra/-

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