

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45611 of 2023

Arising Out of PS. Case No.-271 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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AJAY KUMAR @ AJAY KUMAR RAI @ AJAY RAI Son of Ram Naresh
Rai @ Chini Resident of village-Kapurpatti, Ward No. 14, P.S.-Kalyanpur,
District-Samastipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-08-2023 Heard the learned Counsel for the petitioner and

Mr. Gauri Shankar Gupta who represent the State.

The petitioner apprehends his arrest in connection
with Excise P.S. Case No. 271 of 2023 for the offence
punishable under Sections 30 (a), of the Bihar Prohibition And
Excise Act, 2018 lodged on 05.04.2023 by the informant Sanjay
Rajak.

As per the prosecution story, the police upon secret
information raided the house of accused persons and
recovered/seized 1098 liters illegal English Wine. Accordingly,
the FIR.

Learned counsel for the petitioner submits that it is a
joint house, the petitioner was not present there and further the



seizure list does not show the signature of the accused person rather of only police officials.

Learned APP opposes the prayer stating that he has criminal antecedent.

Considering the fact the alleged recovery is from a joint house and the seizure list does not show signature of anyone, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of Special Judge (Excise)-2, Samastipur in connection with Excise P.S. Case No. 271 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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