

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45100 of 2023

Arising Out of PS. Case No.-147 Year-2022 Thana- KARJA District- Muzaffarpur

AJAY RAI SON OF RAMCHANDRA RAY RESIDENT OF VILLAGE AND
PS- KARJA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-08-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Karja P.S. Case No. 147 of 2022, registered for the offence punishable under Sections 25(1-B)a, 26, 35 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. The allegation is regarding recovery of 3.285 liters of illicit liquor from a Swift Dzire car from behind the house of the co-accused person, namely, Bipin Kumar. It is also alleged that two persons were arrested from the spot and one loaded magazine with two live cartridges was recovered from the co-accused person, namely, Lal Babu Sahni.

4. The learned counsel for the petitioner submits that the



petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor any illicit liquor has been recovered from his house, hence, no case is made out under the provisions of the Bihar Prohibition and Excise Act, 2016. Lastly, it is submitted that similarly situated co-accused persons have already been granted bail by a coordinate Bench of this Court, vide orders dated 18.10.2022 and 24.5.2023, passed in Criminal Miscellaneous No. 54506 of 2022 and Criminal Miscellaneous No. 32397 of 2023.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail, by a coordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before



the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Judge, Excise Court No. II, Muzaffarpur, in connection with Karja P.S. Case No. 147 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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