

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58012 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhubani

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Ajay Sada S/O Late Pancha Sada @ Panchu Sada R/O Village- Kamtoul, P.S.
Harlakhi, Dist.Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Mrs.Sucheta Yadav,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
16.04.2023 in connection with G.O. No.1423 of 2023 arising
out of Prohibition Case No. 338 of 2023, F.I.R. dated
15.04.2023 registered for the offence punishable under Section
30(a) of Bihar Prohibition and Excise Act.

3. Recovery is of 108 liters of illicit liquor.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
from a bare perusal of the FIR it appears that nothing has been
recovered from conscious possession of the petitioner rather the



recovery has been made from the Tempo in question and the petitioner has no concern at all with the alleged recovery of illicit liquor and the petitioner is not owner of the vehicle in question and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 16.04.2023.

5. Learned APP for the State has opposed the prayer for bail of the petitioner.

6. Considering the aforesaid fact, nothing has been recovered from conscious possession of the petitioner, having 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 learned Addl. Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with G.O. No.1423 of 2023 arising out of Prohibition Case No. 338 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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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