

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61754 of 2023**

Arising Out of PS. Case No.-237 Year-2023 Thana- BAHERA District- Darbhanga

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Ajay Sah Son Of Shiv Kumar Sah Resident Of Village - Radhiyam, P.S. -  
Bahera, District – Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Anju Jha, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**

ORAL ORDER

2      25-09-2023                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since  
09.08.2023 in connection with Bahera P.S. Case No. 237 of  
2023, F.I.R. dated 30.05.2023 for the offences punishable under  
Sections 420/34 of the Indian Penal Code and Section 30(a) of  
Bihar Prohibition and Excise Act, 2016.

3. According to prosecution case, total 3155.4 litres of  
foreign liquor was recovered from a container bearing  
Registration No. GJ-070YZ-9550. The petitioner is named in  
the F.I.R. on the basis of information given by the local



Chowkidar.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that due to previous criminal antecedents the petitioner has been implicated in the present false and fabricated case. Further submits that nothing has been recovered from the conscious possession or the house of the petitioner, rather recovery has been made from the container in question. He further submits that co-accused, namely, Yogesh Chaudhary @ Babu Saheb Chaudhary @ Babu Chaudhary has been granted bail by a co-ordinate Bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 47702 of 2023, co-accused namely, Deepak Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 11.08.2023 passed in Cr. Misc. No. 47124 of 2023 and co-accused namely, Santosh Jha has been granted bail by a co-ordinate Bench of this Court vide order dated 04.09.2023 passed in Cr. Misc. No. 58972 of 2023 The petitioner is in custody since 09.08.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedent other than the present one, but fairly submits that out of four cases



petitioner is on bail in three cases.

6. Considering the aforesaid facts and circumstances, 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 the learned Exclusive Special Judge, IInd (Excise Act), Darbhanga in connection with Bahera P.S. Case No. 237 of 2023, subject to 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 absence on two consecutive dates without sufficient reason, his 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)

Prakash Narayan

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