

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62900 of 2023

Arising Out of PS. Case No.-96, Year-2023, Thana- Pear, District- Muzaffarpur

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Ajay Kumar Jha @ Babua Don @ Ajay Jha, S/O Kameshwar Jha, Resident Of
Village Pilkhi Gangati Dharmagatpur, Ps- Sakara, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

2 16-10-2023 Heard Mr. Hari Kishore Thakur, learned counsel

appearing on behalf of the petitioner and Ms. Anita Kumari,

learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Pear P.S. Case No. 96 of 2023, registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The allegation against the petitioner is of peddling
of illicit liquor, upon which, the police intercepted and seized a
scorpio vehicle. However, on noticing the police party, the
persons who were seated in the vehicle succeeded in fleeing
away. In course of search, total 437.4 litres of foreign liquor was
recovered.

4. It is submitted on behalf of the petitioner that the



petitioner has neither any concern with the scorpio vehicle nor with the alleged recovered foreign liquor. He next submits that, the alleged recovery has been made from the public place where the scorpio vehicle, was parked and moreover the seizure list witnesses are none but the police personnel. He next submitted that, in fact, on account of one past criminal antecedent of identical nature, his name has been implicated in this case and save and except this fact, there is no cogent material suggesting the complicity of the petitioner, nor any incriminating material has been recovered from his whereabouts. That apart, one of the co-accused person, having identical allegation, has already been allowed bail by the learned co-ordinate Bench in Cr. Misc. No. 57507 of 2023 vide order dated 31.08.2023. He lastly submits that the petitioner undertakes that he will fully cooperate in the investigation and in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the scorpio vehicle, which was parked in a public place and the name of the petitioner has come only on confidential information, let the petitioner above named



be released on 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge Excise Court No.-II, Muzaffarpur in connection with Pear P.S. Case No. 96 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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