

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59257 of 2022

Arising Out of PS. Case No.-427 Year-2022 Thana- PARSABAZAR District- Patna

Ajeet Prasad S/O Late Gopal Prasad R/O Vill- Khaprailchak, P.S- Parsa Bazar, District- Patna Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shayam Kishore, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-01-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shayam Kishore, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Special Case No. 5254 of 2022 arising out of Parsa Bazar P.S. Case No. 427 of 2022, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it has been alleged that the police on a secret information regarding involvement of the petitioner in trade of illicit business, raided the house of the petitioner and during the course of raid the petitioner was apprehended with a gallon containing 40 liters of mahua liquor



and further on search 40 liters was also recovered from the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that so far the recovery is concerned, it appears to be highly improbable that a person was running with 40 liters mahua liquor and so far the recovery from the house is concerned the same has been recovered from a joint family house and for which the petitioner cannot be made solely responsible. He further submits that the petitioner is a man of fair antecedent, however, on account of some altercation which took place between the police and the petitioner his name has been implicated in this case, showing the recovery from his house and from his possession. He next submits that there is no independent witness to the seizure list. He also submits that the petitioner having fair antecedent, is in custody since 23.08.2022 and he is ready to give undertaking that he will fully cooperate in the trial.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the alleged recovery has been made from the conscious possession of the petitioner and his involvement cannot be denied.

Regard being had to the submissions made on behalf



of the parties and considering the fair antecedent of the petitioner, apart from the fact that the investigation of the crime is already complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Patna, in connection with Special Case No. 5254 of 2022 arising out of Parsa Bazar P.S. Case No. 427 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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