

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65501 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- VAISHALI District- Vaishali

Ajay Kumar, Male, Aged About 35 Years, Son of Late Jai Mangal Singh
Resident of Village- Majhauri, P.S.- Vaishali, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 65570 of 2022

Arising Out of PS. Case No.-364 Year-2022 Thana- VAISHALI District- Vaishali

Pankaj Kumar @ Pankaj Kumar Rai @ Pankaj Rai, male, aged about 25
years, Son of Ram Kishore Rai @ Shyam Kishore Rai R/O Village-
Bhagwatpur, P.S.- Vaishali, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65501 of 2022)

For the Petitioner : Mr.Alok Kumar Alok, Adv.

For the State : Mr.Kalyan Shankar, APP

(In CRIMINAL MISCELLANEOUS No. 65570 of 2022)

For the Petitioner : Mr. Alok Kumar Alok, Adv.

For the State : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-01-2023 These matters have been taken up today for consideration
through video conferencing.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor appearing for the State of Bihar.

Both these bail applications arise out of the same Police
Station i.e., Vaishali P. S. Case No. 364 of 2022, and as such, they
have been heard together and are being disposed of by this common
order.



The petitioners seek bail in connection with Vaishali P. S. Case No. 364 of 2022, registered for the offence punishable under Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise Act.

From a Bolero vehicle, there is alleged recovery of 219.24 liters illicit liquor.

It is submitted by the petitioners' counsel that it is a case of false implication. The petitioners have been made scapegoat for recovery, which was made elsewhere. It is evident from the fact that the petitioners' signature has not been taken on the seizure list, certified copy of which has been annexed. Petitioner of Criminal Miscellaneous No. 65501 of 2022, viz., Ajay Kumar has no antecedent, whereas the petitioner of Criminal Miscellaneous No. 65570 of 2022, viz., Pankaj Kumar @ Pankaj Kumar Rai @ Pankaj Rai has two antecedents.

Petitioners of both bail petitions are in custody since 15/09/ 2022.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail of the petitioners' of both bail petitions is allowed.

Let the petitioners of both bail petitions, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.2-cum Addl. Sessions Judge, Vaishali Hajipur, in connection with Vaishali P. S. Case No. 364 of 2022, subject to following conditions:-

(i) That one of the bailors will be a close relative of the



petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners. (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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