

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67811 of 2022

Arising Out of PS. Case No.-224 Year-2022 Thana- HARLAKHI District- Madhubani

Ajab Lal, aged about 28 years (Male) Son of Late Sukhan Mukhiya Resident
of village - Mukhiyapatti, P.S.- Fulgama, District - Dhanusha (Nepal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Adv. Mr. Ravi Prakash, Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s :		Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-02-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Harlakhi P.S.
Case No. 224/2022 (G.R. No. 1260/2022) registered for the offence
punishable under Section 272, 273 of the Indian Penal Code (for
brevity 'IPC') and Section 30(a) of the Bihar Prohibition and Excise
Act (Amendment) Act, 2022.

There is alleged recovery of 70.050 litres (seventy litres and
fifty millilitres) of illicit liquor, which the petitioner was allegedly
carrying on his head and has abandoned on seeing the police.

It is submitted by the petitioner's counsel that recovery is
from the sack, with which the petitioner has no concern. His
implication and arrest is on account of his presence near the place
from where the sack, containing illicit liquor, has been recovered,
only on suspicion. He has no criminal antecedents and is in custody
since 24.07.2022. It is submitted that investigation is complete.

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



Considering the rival submissions, clean antecedents, 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 petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Additional Sessions Judge-II-cum-special Judge, Excise Act, Madhubani, in connection with Harlakhi P.S. Case No. 224/2022 (G.R. No. 1260/2022), subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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