

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65976 of 2022

Arising Out of PS. Case No.-94 Year-2022 Thana- GADHPURA District- Begusarai

AJAY PASWAN @ AJAY KUMAR Son of Locho Paswan R/V- Malipur
(Tara) P.S- Gadhpura, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarbottam Kumar Sarkar, Adv.

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 03-02-2023 This matter has been taken up today for consideration through video conferencing.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Gadhpura PS Case No. 94 of 2022 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the First Information Report (*for brevity FIR*) total 106.2 liters illicit liquor has been recovered from an open place.

Learned counsel for the petitioner submits that the petitioner's name has been inserted based on the statement of the accused recorded in police custody. It is further submitted that even as per allegation, recovery is not from his possession. It is submitted that investigation is complete. Recovery is denied and disputed as being not in accordance with law.

The petitioner is in custody since 06-09-2022 though he has no antecedents.

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



Considering the rival submissions, manner of recovery, period of custody and clean antecedent as also 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 Exclusive Special Judge, Excise Court -1st, Begusarai, in connection with Gadhpura PS Case No. 94 of 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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