

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67001 of 2022

Arising Out of PS. Case No.-314 Year-2022 Thana- MAJORGANJ District- Sitamarhi

AJAY KUMAR, Son of Raja Ram Rai, Resident of Village- Pakari, P.S.-
Piprahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-02-2023 Today being Friday, matters are being taken up through
virtual mode, as per current procedure for hearing.

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

The petitioner seeks bail in connection with Majorganj
P.S. Case No. 314 of 2022 registered for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

There is alleged recovery of 297 litres *Nepali* liquor from
Hyundai vehicle from where the petitioner is alleged to have been
arrested, near the Indo-Nepali Border.

Learned counsel for the petitioner submits that the
petitioner had taken a ride in the vehicle. Even as per prosecution
case, it is obvious that two persons who were having knowledge of
the liquor have fled away. The petitioner, who was oblivious of the
illicit liquor being transported in the vehicle, has become victim of
the circumstance. He has no antecedents and he is in custody since
26.09.2022. Moreover, investigation is also complete. Recovery is



denied and disputed and is stated to be not in accordance with law.

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

Considering the rival submissions, manner of recovery and petitioner's arrest, his 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 learned Special Judge Exclusive Excise Court No.1, Sitamarhi, District- Sitamarhi, in connection with Majorganj P. S. Case No. 314 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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