

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75381 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- NAWADA District- Nawada

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AJIT KUMAR Son of Bachan Ram Resident of Village - Sawang Colliery,
P.S.- Gomiyon, Distt.- Bokaro (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Nawada (Kadirganj) P.S. Case No. 94 of 2023 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 612 litre country made foreign liquor was recovered from the pickup van in question and co-accused Mantu Kumar was apprehended on the spot whereas one person escaped from there. It is further alleged that co-accused Mantu Kumar disclosed that on the instruction of co-accused Bikram Kumar, seized liquor was being brought from Ajit Kumar (petitioner).

4. Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 02.09.2023. Petitioner bears criminal antecedent of one case in which he is on bail. He further submits that no incriminating article has been recovered from conscious possession of the petitioner. Except the disclosure of apprehended co-accused, there is nothing on record to connect the present petitioner with the alleged occurrence. He further submits that co-accused Mantu Kumar, who is apprehended on the spot, has already been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 17758 of 2023 and the case of present petitioner stands on better footing as the present petitioner is not apprehended on the spot. Petitioner has no connection with the alleged recovery in question.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail by a co-ordinate Bench of this court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be



released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Nawada in connection with Nawada (Kadirganj) P.S. Case No. 94 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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