

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77172 of 2023

Arising Out of PS. Case No.-881 Year-2023 Thana- Excise P.S. District- Nalanda

AJIT KUMAR S/O SRI BIHARI RAM R/O GIRIAK ROAD,
GULZARBAGH, RAJGIR, PS. RAJGIR, DISTT. NALANDA.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek

For the Opposite Party/s : Mrs.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Excise
P.S. Case No. 881 of 2023 registered for the offences punishable
under Sections 30(a), 32 of Bihar Excise Prohibition Act, 2016.

3. As per prosecution case, 108 litre country made
illicit liquor was recovered from E-rickshaw (Toto) in question
which was being driven by the petitioner and petitioner
apprehended on the spot.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR and he has falsely been implicated in this
case. Petitioner is in custody since 28.09.2023 and bears no
criminal antecedent. No incriminating article has been recovered



from conscious possession of the petitioner. Seized vehicle does not belong to the petitioner. Petitioner has nothing to do with the alleged recovery of liquor and same does not belong to the petitioner. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is no compliance of Section 100 of the Cr.P.C.

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, keeping in view clean antecedent of petitioner, 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 4th Additional Sessions Judge cum Special Judge, Excise, Court No. 2, Nalanda at Biharsharif in connection with Excise P.S. Case No. 881 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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