

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79103 of 2023

Arising Out of PS. Case No.-438 Year-2023 Thana- MADANPUR District- Aurangabad

AJAY KUMAR Son of Mungeshwar Yadav @ Bhuneshwar Yadav R/o vill -
Munshi Bigha, P.S. - madanpur, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukul Kumari

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with G.R.
No. 1198/2023 arising out of Madanpur P.S. Case No. 438/2023
registered for the offences punishable under Sections 30(a), 34,
36 of the Bihar Prohibition of Excise Act, 2018.

As per prosecution case, 665 litres of illicit spirit
was recovered from poultry farm of co-accused Arun Singh. It
is further alleged that co-accused Arun Singh was selling illicit
liquor along with petitioner and others.

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. It is
further submitted that the alleged recovery was made from



poultry farm of co-accused Arun Singh which is situated near Madanpur market but the petitioner was apprehended about two kilometers away from the place of recovery. Seizure has not been made as per law. Petitioner has been made accused in this case merely on basis of suspicion. Except suspicion, there is nothing on record to connect the present petitioner with the alleged recovery. It is further submitted that petitioner is no way connected with the alleged occurrence. Petitioner bears no criminal antecedent. Petitioner is in custody since 08.10.2023.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioners, 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 Court of Special Judge of Excise, Aurangabad in connection with G.R. No. 1198/2023 arising out of Madanpur P.S. Case No. 438/2023, subject to the 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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