

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38365 of 2024

Arising Out of PS. Case No.-172 Year-2024 Thana- Excise P.S. District- Banka

Ajay Kumar @ Ajay Ray Son of Mohan Ray Resident of Village- Bidupur
Dih, P.S.- Bidupur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Prasad Sinha, Advocate
For the Opposite Party/s : Ms.Shaheen Begum, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

- 2 23-05-2024 1. Heard learned counsel for the petitioner and learned APP for the State.
2. The petitioner seeks bail in connection with Banka P.S. Case No. 172 of 2024 instituted for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.
3. The prosecution case, in short, is that total 702 litres of liquor was recovered from pickup van and this petitioner was arrested on the spot.
4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel further submitted that petitioner is not the owner of the vehicle. It is further



submitted that petitioner is only the driver of the vehicle in question and had no knowledge regarding the goods loaded in the vehicle. The co-accused person has already been granted bail by this Bench vide order dated 15.05.2024 passed in Cr. Misc. No. 36991 of 2024. The petitioner is in custody since 12.04.2024 and has three criminal antecedents but he is on bail in all the cases. There is no compliance of Section 100 of the Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Banka P.S. Case No. 172 of 2024 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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