

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71506 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- Excise P.S. District- Samastipur

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AJAY KUMAR @ SWAMINATHAN BRIJWALA S/O LATE SURESH RAY
R/O- DUDHPURA, PS. MUFFASIL, DIST. SAMASTIPUR, BIHAR-848101

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 29-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending his arrest in connection with Sadar (Samastipur) P.S. Case No. 415 of 2023 registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.
3. The allegation against the petitioner is to involve in trading of illicit liquor, where recovery 4701.3 liters of illicit liquor was recovered from the house of co-accused Raman Paswan.



4. Learned counsel appearing on behalf of the petitioner submitted that *prima facie*, no case appears to be made out against this petitioner, as recovery of illicit liquor appears to be made from the house of co-accused Raman Paswan. It is submitted that name of petitioner surfaced in the present case, merely on the basis of secret information, where seizure list also appears doubtful, being supported by police personnel rather by independent witnesses.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact, as illicit liquor was recovered from the house of co-accused Raman Paswan and not from the conscious physical possession of this petitioner, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge (Excise 2), Samastipur/concerned



Court where the case is pending in connection with Sadar
(Samastipur) P.S. Case No. 415 of 2023 subject to the
conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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