

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2909 of 2024

Arising Out of PS. Case No.-294 Year-2023 Thana- YADOPUR District- Gopalganj

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Ajay Kumar SON OF Asharfi Baitha Resident of Vill- kala Matihaniya, P.S-
Vishambharpur Distt- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Yadopur P.S. Case No. 294 of 2023 lodged under Sections 30(a)
of Bihar Prohibition and Excise Amendment Act, 2023.

3. As per the prosecution case, the F.I.R. has been
lodged against three persons including the petitioner and total
recovery of 99 liter wine has alleged to be made, which is
subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
further submits that said recovery has been made from
motorcycle which does not belong to the petitioner.

5. Counsel further submits that the petitioner is in



custody since 29.11.2023 and there is one criminal case pending against him which he has narrated by virtue of supplementary affidavit.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-II -cum- Special Judge Excise Court No.1 Gopalganj, in connection with Yadopur P.S. Case No. 294 of 2023, subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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