

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27424 of 2025

Arising Out of PS. Case No.-275 Year-2017 Thana- SIRDALA District- Nawada

Ajay Yadav @ Ajay Kumar @ Ajay Prasad Yadav S/o Late Parmeshwar Prasad @ Parmeshwar Yadav R/o Village- Kusumbhatari, P.S.- Panadabar, Sirdalla, District- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Commissioner, Prohibition Excise and Registration Department, Patna Patna, Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ebrahim Kabir, Advocate

Mrs.Shruti Sinha, Advocate

For the Opposite Party/s : Mrs.Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 01-08-2025 Heard Mr. Ebrahim Kabir, learned counsel appearing on behalf of the petitioner and Mrs. Pronoti Singh, learned A.P.P. for the State.

2. The accused/petitioner seeks bail in connection with Sirdalla P.S. Case No. 275 of 2017 registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise Act, 2016.

3. It is a case of first misuse, where accused/petitioner is in custody since 18.01.2025, as he could not attend the court in terms of condition as imposed by



this Court while granting bail to the petitioner through Cr. Misc. No. 13363/2022 vide order dated 24.06.2022. Through aforesaid order of this Court, following conditions were imposed, which are as under:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the Trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Akhlesh Kumar, who is the cousin of the petitioner and deponent of the present bail petition.”

5. From perusal of the record, it appears that petitioner was implicated with five cases of similar nature after granting bail.

6. It is submitted by learned counsel appearing on behalf of the petitioner that for police atrocities, a complaint was lodged against the police officers of Sirdalla Police Station by the petitioner, which was registered as Complaint Case No. 109/2023, where learned trial court took cognizance for the offences punishable under Sections 323, 341, 506 and 504 of the I.P.C. against police officials. It is submitted that out of



said complaint case, to settle the score, petitioner has falsely been implicated in this case along with 4-5 other cases of similar nature.

7. It is pointed out that the charge in this matter was framed on 09.12.2022, but till date, the court failed to examine even a single witness despite of the fact that even on present occasion, after misuse, petitioner remains in custody almost for more than six months.

8. Mrs. Pronoti Singh, learned A.P.P. for the State, while opposing the prayer of bail of the petitioner, submitted that petitioner in total involved in nine (9) cases of similar nature.

9. In view of the aforesaid factual submission and by taking note of the fact as this is a case of first misuse, where petitioner remains in custody for more than six (6) months, accordingly, above-named petitioner is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court-I, Nawada, in connection with Sirdalla P.S. Case No. 275 of



2017, subject to the condition as laid down under Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.), with further condition that:

- (ii) Accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the Trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.
- (iii) That one of the bailors shall be Mahesh Yadav, son of Shiv Yadav, who is the **brother-in-law** of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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