

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43162 of 2025

Arising Out of PS. Case No.-661 Year-2024 Thana- GAURICHAK District- Patna

Ajay Kumar S/o Late Shital Ray @ Shital Singh R/o Village- Bhagwanpur
(Dewarshaukhi), P.S.- Gaurichak (Pachrukhiya), Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

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

ORAL ORDER

2 04-07-2025 Let the defect pointed out by the Office be ignored.

2. Heard learned counsel for the petitioner and
learned APP for the State.

3. The petitioner seeks bail in connection with
Gaurichak (Pachrukhiya) PS Case No. 661 of 2024 instituted for
the offences under Section/s 30(a) of the Bihar Prohibition and
Excise Act.

4. The prosecution case, in short, is that 171 liters
liquor was recovered in front of the house of the petitioner.

5. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got



no concern with the alleged recovery of liquor. It is submitted that recovery is from an open place, which is accessible to one and all. The petitioner is in custody since 15-05-2025 and has got two criminal antecedent/s. There is no compliance of Section 103 of the BNSS, 2023. Other co-accused has been granted bail by this Court vide order dated 27-01-2025, passed in Cr. Misc. No. 3033 of 2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. 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 Gaurichak (Pachrukhiya) PS Case No. 661 of 2024, subject to the following conditions:

(I) If court below finds that petitioner has more than two criminal antecedents, in that event, the present bail order shall not be given effect to.

(II) One of the bailors shall be own/close member of



the family of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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