

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78040 of 2024**

Arising Out of PS. Case No.-237 Year-2024 Thana- KAKO District- Jehanabad

Ajit Kumar Son of Late Raj Kumar Yadav Resident of Village - Satanpur,
P.S.- Kako, District - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Priya Ranjan, Advocate
Mr. Mukesh Kumar, Advocate
Mr. Bidhib Rajkar, Advocate
For the State : Md. Ataur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER**

3 29-01-2025 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The present petition has been filed on behalf of the
petitioner, apprehending his arrest, in connection with Kako PS.
Case No.-237 of 2024 dated 30.08.2024, registered for the
offences punishable under Sections 30(a) of the Bihar
Prohibition & Excise (Amendment) Act, 2022.

3. As per allegation, 976.65 litre of illicit liquor has
been recovered from Pick-up van on raid. However, the persons
sitting in the Pick-up van had fled away. The vehicle and the
liquor were seized and as per statement of one person standing
on the place of occurrence, disclosed the name of the petitioner
and co-accused.



4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is no way connected with the alleged offence. He further submits that neither the vehicle, nor the illicit liquor belongs to the petitioner. He further submits that the name of the petitioner has transpired in this occurrence only on the basis of suspicion. Hence, no case is made out under the Excise Act against the petitioner.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner has been made accused in six other cases.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of Ld. Ist Special Excise Judge (Court), Jahanabad, in connection with Kako PS. Case No.-237 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

ravishankar/shoaib

U		T	
---	--	---	--

