

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16649 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Nawada

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BIPIN KUMAR S/o Jitan Prasad Resident of Village - Hajipur, P.S.- Sirdala,
Distt- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

2 13-10-2020 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

Allegation against petitioner is that he and one
other co-accused were carrying illicit liquor in their motorcycle
and when excise officials tried to stop them, petitioner escaped
with the motorcycle but the other accused was arrested. From
the possession of arrested co-accused 4.5 liters of foreign liquor
and 6 liters of illicit beer has been recovered.

It has been submitted on behalf of the petitioner



that he is innocent and has been falsely implicated in this case. He was neither arrested on the spot nor any illicit liquor was recovered from his possession. Petitioner has not been identified either by co-accused or by informant or by seizure list witnesses, as such no offence under excise act is made out against him. He has no criminal antecedent.

Considering the facts and circumstances of the present case, let petitioner, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on pre-arrest bail on furnishing bail bond of Rs. 20,000/- (twenty thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge-cum-Special Judge, Nawada, in connection with G.O. Case No. 273 of 2019 subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.



(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

(S. Kumar, J)

Rajiv/veena

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