

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24056 of 2021

Arising Out of PS. Case No.-118 Year-2019 Thana- BISHWAMBHARPUR District-
Gopalganj

Abhay Kumar, Son of Rajeshwar Prasad Resident of Village - Mashrak Takht,
P.S.- Mashrak, District - Saran @ Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Mohan Singh, Adv.
For the State : Mr. Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-11-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks bail in connection with
Vishambharpur P.S. Case No.118 of 2019 registered for offences
punishable under Section 30(a)/38/41 of Bihar Prohibition and
Excise Amendment Act, 2016 as amended up-to-date.

Prosecution case in brief is that, two persons were
apprehended with motorcycle and from motorcycle 27 liters of
Indian made foreign liquor was recovered.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has been roped in this case by one co-
accused Raushan Kumar Yadav @ Raushan Kumar who has



already been enlarged on bail vide order dated 28.11.2019 passed in Cr. Misc. No.77433 of 2019. Learned counsel for the petitioner further submits that he was not apprehended at the place of occurrence and no illicit liquor has been recovered from his conscious possession. The petitioner is in jail custody since 12.11.2020.

Learned counsel appearing on behalf of the State opposes the prayer for bail.

Considering the facts aforesaid, let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, IInd-cum-Special Judge, Excise, Gopalganj in connection with Vishambharpur P.S. Case No.118 of 2019, subject to the 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 properly 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 offence, after release on bail, the trial court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

Prakash Narayan /-

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