

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28853 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- ITARHI District- Buxar

ANIL KUMAR SINGH S/O Ajay Singh @ Tun Tun Mahato @ Ajay Kumar
Singh R/o village - Mahadah, P.S. - Buxar (Muffasil), District - Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Pandey

For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 12-08-2021 This matter is taken up for consideration through
Video Conferencing.

Heard learned counsel for the petitioner and learned
A.P.P for the State.

The petitioner seeks bail in Itarhi P.S. Case No. 169 of
2020, registered for the offence punishable punishable under
Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

1266.480 litres of foreign liquor has been recovered
from lorry tanker and two persons namely, Haridwar Prasad @
Hardev and Satyendra Mushar were apprehended on the spot
who disclosed that this petitioner is one of the persons who fled
away after seeing the police party.

It is submitted that no recovery has been made from
conscious possession of this petitioner. Petitioner is neither



owner nor driver of the vehicle in question and has got no concern with the seized liquor. Petitioner is in custody since 08.02.2021 having no criminal antecedent, as stated in para 3 of the petition.

Considering the period of custody coupled with the fact that petitioner claims clean antecedent, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 2nd-cum-Special Judge Excise Act, Buxar in connection with Itarhi P.S. Case No. 169 of 2020, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(ii) 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.

(Prabhat Kumar Singh, J)

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