

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49668 of 2021

Arising Out of PS. Case No.-70 Year-2021 Thana- AMBA District- Aurangabad

Rakesh Kumar @ Rikesh Kumar S/o Rang Bahadur Singh R/o Village-
Jamuni, P.S.- Obra, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-12-2021 Let the defects, if any, be removed within four weeks
of the complete start of the Physical Court.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Amba P. S Case No. 70 of 2021 for the offences punishable
under Section 30(a) of the Bihar Excise Prohibition Amendment
Act 2018.

On secret information, total 397 liters of Tanaka
country made liquor is recovered from different vehicles. Out
of which 224 liters Tanaka country made liquor is said to have
been recovered from the Motorcycle bearing Registration
JHO3M-6440. 34 liters Tanka country made liquor was
recovered from a bag which was carried by the petitioner.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has no concerned with the said liquor. Nothing has been recovered from conscious possession of the petitioner. His name has been transpired on the basis of mere suspicion. Petitioner is in jail custody since 09.06.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances as well as submissions of the parties and period of detention of the petitioner, let the petitioner, above named, 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 learned Additional Sessions Judge-II cum Special Judge, Excise Aurangabad in connection with Amba P.S.Case No. 70 of 2021 ,subject to the following conditions;-

1. 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 on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioner tamper with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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