

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3741 of 2022

Arising Out of PS. Case No.-928 Year-2021 Thana- NAGAR District- Vaishali

ABHISEK KUMAR, Son of Yaduvir Singh Resident of Village - Darihara,
P.s.- Dariyapur, Distt.- Saran . At Present Resident of Village - Chiknauta,
P.s.- Town (Hajipur), Dist.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 22-06-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Hajipur
Town P. S. Case No. 928 of 2021, registered for the
offences punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per allegation, approximately 49.125 litres of
liquor was recovered from the vehicles parked in the house
premises of the petitioner and his associates.

The learned counsel for the petitioner submits that
the alleged liquor has not been recovered from the conscious
possession of the petitioner. It has further been submitted



that neither the house nor the vehicle belongs to the petitioner; rather he was the tenant in the alleged house.

The petitioner is in custody since 22.11.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier either for grant of anticipatory bail or for regular bail in this matter before this Hon'ble High Court.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the afore-stated facts and circumstances, the petitioner, above-named, is directed to be released on bail 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 the learned Court of Exclusive Special Excise Court No. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur, in connection with Hajipur Town P. S. Case No. 928 of 2021 on the following conditions:



(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of



the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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