

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24074 of 2022

Arising Out of PS. Case No.-98 Year-2020 Thana- MATIHANI District- Begusarai

ANKUR KUMAR @ ANKUR KUNWAR @ ANKUAA Son of Binay Singh
@ Vinay Singh @ Vinay Kumar Singh Resident of Village - Matihani, Ward
No. 01, P.S. Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Pushpa Sinha

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Matihani P.S. Case No. 98 of 2020 registered for the alleged offences under Sections 120(B) of the Indian Penal Code and also under Sections 30(a) and 32 of Bihar Prohibition and Excise Act.

As per prosecution case, police received secret information that the petitioner and other co-accused persons have brought a large consignment of illicit liquor in the orchard of one Bambam kunwar and were unloading the same for further



distribution of raid was conducted and 1215 litres of India made foreign liquor was recovered from a Bolero pickup van and a motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has not been arrested from the spot and nothing incriminating has been recovered from the person or possession of the petitioner. The petitioner has no concern either with the Bolero pick-up van or the motorcycle. The petitioner has mentioned the names of the persons who are the owners of the aforesaid vehicles. Other co-accused person namely Madhur Kumar has been granted bail by a Coordinate Bench in Cr. Misc.No. 1222/2021 vide order dated 20.07.2021. Charge sheet has been submitted in this case and the petitioner is in custody since 28.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and also considering the submission of charge sheet as well as period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the



satisfaction of learned Exclusive Excise Judge, I, Begusarai in connection with Matihani P.S. Case No. 98 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Gautam/-

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