

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28262 of 2022

Arising Out of PS. Case No.-482 Year-2021 Thana- ARWAL District- Jehanabad

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AMRENDRA KUMAR Son of Vijay Singh @ Vijay yadav Resident of
Village - Noniya Bigha, P.S. - Arwal, District - Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Adv.

For the Opposite Party/s : Mr. Anita Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-11-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offence under Sections 30(a) of the Bihar
Prohibition and Excise Act.

Recovery is of 2.250 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner has been made accused in this case on the basis of
confessional statement of the co-accused, Dharmendr Kumar,
who happens to be brother of the petitioner. He further submits
that, in fact, nothing has been recovered from the conscious
possession of the petitioner rather the alleged recovery has been



made from the motorcycle in question. He further submits that the petitioner has no concern with the alleged recovery and motorcycle and the owner of the alleged motorcycle has already been granted anticipatory bail vide order dated 08.04.2022 passed in Cr. Misc. No. 16475 of 2022 by a co-ordinate Bench of this Court. Hence, the petitioner may be granted the privilege of anticipatory bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner in the event of arrest of surrender before the court below within a period of four weeks from the date of order be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Arwal P.S. Case No. 482 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C. as also with 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the



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

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 his 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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