

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37268 of 2022

Arising Out of PS. Case No.-165 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

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ADITYA KUMAR Son of Ram Pukar Bhagat R/o Mohalla - Kazi Mohalla,
P.S.- Obra, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 03-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners seek bail in connection with G.R.

No. 316/2022 arising out of Aurangabad Town P.S. Case No.

165 of 2022 registered for the offences punishable under

Sections 30(a) of the Bihar Prohibition and Excise Amendment

Act.

As per prosecution case, there is alleged recovery

of 549 litres liquor from two vehicles in question. There is

alleged recovery of 9 litres foreign liquor whiskey from Alto car

in question and petitioner is alleged to be the owner



of said Alto car.

Learned counsel for the petitioner submits that petitioner is in custody since 16.06.2022. Petitioner bears no criminal antecedent. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. Petitioner was not apprehended on spot. Seizure list has not been made as per law. Learned counsel further submits that on the alleged date the petitioner's driver had gone with petitioner's car for personal use and he learnt that when it reached Kama Bigha More the police intercepted and caught the vehicle alongwith others and has falsely been implicated the petitioner in the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, keeping in view clean antecedent of the petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-1st, Aurangabad in connection with Aurangabad Town P.S. Case No. 165 of 2022,



subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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