

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37391 of 2022**

Arising Out of PS. Case No.-83 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Begusarai

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Ashutosh Kumar @ Vikki Kumar, Son of Anil Kumar Jha, Resident of
Village-Bihat, Ward No.-25, Ibrahimpur Tola, P.S.-Barauni, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Excise P.S. Case No. 83 of 2022 registered for
the alleged offences under Section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

As per prosecution case, recovery of 1.110 litres of
India made foreign liquor was made from the possession of this
petitioner and further 61.920 litres of foreign liquor was
recovered from the staircase of the house of the petitioner.



The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No recovery as alleged has been made from either his possession or from his house. Petitioner is accused in two more cases but he is on bail in both the cases. Charge-sheet has been submitted and the petitioner is in custody since 16.05.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and further considering the submissions of charge-sheet and 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 Special Judge, Excise, Court No.-II, Begusarai in connection with Excise P.S. Case No. 83 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 Anil Kumar Jha, Father of the petitioner, who has sworn the affidavit.



(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)

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