

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40946 of 2022**

Arising Out of PS. Case No.-94 Year-2022 Thana- VAISHALI District- Vaishali

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AMAN KUMAR @ MAYANK KUMAR @ AMAN PRAKASH Son of  
Chandra Kishor Singh Resident of Village - Chakgulamuddin , P.s.- Vaishali  
(Belsar OP) in the Distt. of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      04-11-2022                      Let the defects, as pointed out by the office, be  
  
removed within four weeks of starting of Court proceeding in  
  
physical mode in normal course.

Heard learned counsel for the petitioner and learned  
  
APP for the State in the Virtual Court proceeding.

The petitioner is apprehending his arrest in a case  
  
registered for the offences punishable under Sections 30(a),  
  
32(ii), 41(i) of the Bihar Prohibition and Excise Act.

Recovery is of 20.520 litres of foreign liquor.

Learned counsel for the petitioner submits that the  
  
petitioner has clean antecedents and he has been falsely  
  
implicated in the present case. He further submits that it appears  
  
from the F.I.R. itself that the petitioner was not present at the  
  
place of occurrence and the petitioner has been falsely implicated



only on the basis that the petitioner is the son of co-accused Chandra Kishor Singh. He further submits that altogether 20.520 litres of foreign liquor was recovered from the hut and the hut is 300 metres far from the house of the petitioner and nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Court below where the case is pending in connection with Vaishali (Belsar O.P.) P.S. Case No. 94 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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