

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44442 of 2022

Arising Out of PS. Case No.-338 Year-2022 Thana- AGAMKUAN District- Patna

Abhay Kant Singh Son Of Baleshwar Prasad R/O Karkain, P.S.- Ghoswari,
District- Patna, Presently, Residing At Chanakya Nagar, Kumharar, Near Lalit
Raj Apartment, P.S.- Agamkuan, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

Mr. Kumar Kishan, Advocate

Mr. Avinash Raushan, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Niranjana Kumar, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State.

Petitioner seeks bail in a case registered in connection
with Agamkuan P.S. Case No. 338 of 2022 for the offences
punishable under Sections 30(A), 32(2) 38(1)(2),41(2) of the
Bihar Prohibition & Excise Amendment Act. 2018.

The police in course of patrolling duty, on a secret
information, raided the house of co-accused Prince Kumar and
in course of search total 175.875 liters illicit foreign liquor was



recovered from his house and Wagon-R car. It is alleged that four persons including the petitioner were standing in the house of the co-accused prince Kumar however on noticing the police party they tried to flee away out of which two persons were apprehended.

Learned counsel for the petitioner submits that from the FIR, it would be evident that the entire recovery has been made from the house and car of co-accused Prince Kumar and so far the petitioner is concerned, no recovery has been made from his person or possession. He further submits that other co-accused having identical allegation namely, Sunny Kumar Gupta has already been granted bail in Cr. Misc. No. 43372 of 2022 vide order dated 30.09.2022. The copy of which has been produced before this court and the same has been kept on record. It is next submits that petitioner having fair antecedent and is in custody since 09.05.2022.

On the other hand, learned counsel for the State opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the entire recovery has been made from the house and car of co-accused Prince Kumar and other accused person having identical allegation



have already been allowed privilege of bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge cum Special Judge Excise, Patna city, Patna in connection with Agamkuan P.S.Case No. 338 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J.)

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