

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58550 of 2021**

Arising Out of PS. Case No.-202 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Anil Bhuiyan S/O Nanhku Bhuiyan R/O Village-Tadawagadha, P.S-
Hunterganj, District-Chatra (JHARKHAND).

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, A.P.P.

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

2 03-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Excise Case
No. 202 of 2021 registered for the offences punishable under
Sections 30(a) and 56(b) of Bihar Prohibition and Excise
Amendment Act, 2018.

According to prosecution case, the informant Deepak
Kumar Singh alleging therein that during checking of vehicle
intercepted a vehicle and on search total 180 liters illegal



foreign liquor was recovered from the vehicle in question.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from alleged pickup van and petitioner is the driver of the said vehicle in question and he had no knowledge about the alleged liquor. The petitioner is in custody since 26.07.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Additional Sessions Judge-II-cum-Special Judge of Excise Act, Gaya in connection with Excise Case No. 202 of 2021, subject to 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 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 witnesses, 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 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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