

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48809 of 2022

Arising Out of PS. Case No.-448 Year-2022 Thana- MADHEPURA District- Madhepura

AMAN KUMAR Son of Arun Bhagat Resident of Village - Bhan Tekathi,
Ward No.- 8, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-09-2022 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 petitioner and
learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 448 of 2022 registered for the
offences punishable under Section 30 (a) (c) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, there is alleged recovery
of 70.92 litre illicit liquor from the Renault car in question. As
per seizure list, one mobile was recovered from possession of
the petitioner and petitioner alongwith other was apprehended
on the spot.

Learned counsel for the petitioner submits that



petitioner is in custody since 16.05.2022. Petitioner bears no criminal antecedent. He further submits that petitioner is neither driver nor owner of the alleged car in question and he has been falsely implicated in this case. He further submits that petitioner being a passenger had taken lift from the driver of the alleged car and he had no knowledge regarding the liquor kept in the said car.

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, period of custody, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides 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 Additional Sessions Judge Vth cum Special Judge Excise Ist, Madhepura in connection with Excise Case No. 226 of 2022 arising out of Madhepura P.S. Case No. 448 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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