

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50964 of 2022

Arising Out of PS. Case No.-203 Year-2019 Thana- BIDUPUR District- Vaishali

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ABHIJOSH KUMAR @ AVJOSH KUMAR S/o Sri Suresh Prasad Singh R/v-
Mile, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Mr.Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 30-09-2022 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.

The petitioner seeks bail in connection with Bidupur
P.S. Case No. 203/2019 registered for the offences punishable
under Sections 30(a)/41 of the Bihar Prohibition and Excise Act,
2016.

As per prosecution case, there is alleged recovery of
total 3584.880 liters of foreign liquor from pick up van. It is
alleged that petitioner and other were unloading the illegal
foreign liquor. The petitioner is not apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case. The petitioner is not apprehended on spot and nothing has been recovered from the conscious possession of the petitioner. The petitioner is languishing in custody since 01.07.2022 and bears no criminal antecedent. He further submits that the petitioner has no concern with the said pick-up van. Seizure list has not been prepared as per law. Similarly situated co-accused, Abhay Kumar Singh has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.35801/2022 and the case of present petitioner stands on similar footing.

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, petitioner is not apprehended on the spot and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, similarly situated co-accused has already been granted bail on similar terms and conditions as submitted, let the petitioner above named be released on bail **after framing of charge or on completion of one year in custody whichever is later**, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court-I cum Additional District and



Sessions Judge, Vaishali at Hajipur in connection with Bidupur
P.S. Case No. 203/2019, 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.

(iv) Petitioner will visit the concerned police Station
on the first Sunday of each month. Any default in appearance at
the police station would result in cancellation of bail bond of the
petitioner.

(Alok Kumar Pandey, J)

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