

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56909 of 2022

Arising Out of PS. Case No.-571 Year-2022 Thana- BIHTA District- Patna

Awadhesh Kumar, Son of Ghurhu Resident of Village- Khrainjha Khurd, P.S.-
Chakia, District- Chandauli(U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramanuj Tiwary

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Bihta
P.S. Case No. 571 of 2022, registered for the offences
punishable under Sections 30(a), 32 (1), 32 (II) and 41 of
the Bihar Prohibition and Excise Act, 2018.

As per allegation, 393 lires of liquor has been
recovered from a vehicle, bearing Registration No. BR01 PA-
7936 and three persons, namely, Kundan Kumar, Vikash
Kumar and Suraj Kumar were apprehended at the spot.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in



this case. He further submits that the petitioner has been made accused only on the basis of confessional statement of one of the co-accused, Kundan Kumar. He also submits that nothing has been recovered from the conscious possession of the petitioner in the State of Bihar. He also submits that the petitioner was arrested in the State of Uttar Pradesh where there is no restriction of sale and purchase of liquor.

The petitioner has been languishing in jail since 12.06.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstance, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to



the satisfaction of the Id. Special Excise Judge, Danapur,
Patna in connection with Bihta P.S. Case No. 571 of 2022
on the following conditions:

(i) The petitioner will make himself available for
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that
investigation/trial will not hamper on account of his absence
or non-cooperation. He must be available to the police or the
court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly
make any inducement, threat or promise to any person
acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the court or to any police
officer.

(iv) In case, it is brought to the notice of the court
below that the petitioner has any criminal antecedent, the
learned court below shall cancel the bail bond of the
petitioner after hearing him and getting satisfied that the
petitioner has concealed his criminal antecedent despite his
knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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