

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71326 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Akash Kumar Son Of Yogendra Prasad R/O Village- Dighi Mathiya, P.S-
Konch, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-03-2022 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. 255 of 2021 registered for the offences punishable under
Section 30(a) of Bihar Prohibition and Excise Act, 2018.

Recovery is of 72 liters of English wine.

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 only on



the basis of suspicion. He further submits that it appears from the F.I.R. that nothing has been recovered from conscious possession of the petitioner, rather the recovery has been made from one Hundai Car in question. He further submits that there is no eye witness or independent witness to support the prosecution case. He further submits that similarly situated, co-accused, namely, Ajeet Kumar @ Ajit Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 03.03.2022 passed in Cr. Misc. No. 63920 of 2021. The petitioner is in custody since 19.09.2021.

The learned Additional Public Prosecutor has 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 District and Sessions Judge-II-cum-Special Judge (Excise Act), Gaya in connection with Excise Case No. 255 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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