

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65021 of 2022**

Arising Out of PS. Case No.-789 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

=====

BIJENDRA KUMAR Son of Pukar Ray Resident of Mohalla- Bhaishani Tola,
Police Station- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Humayou Ahmad Khan

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Special

Case No. 5626 of 2022 arising out of EXCISE PATNA P.S.

Case No. 789 of 2022, registered for the offences

punishable under Sections 30(a) and 56(b) of the Bihar

Prohibition and Excise (Amendment) Act, 2022.

As per allegation, 100 litres of country made liquor

has been recovered from a scooty.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case. He further submits that nothing has been



recovered from the conscious possession of the petitioner.
He also submits that search and seizure has not been made
as per the procedure prescribed under Section 100 Cr. P.C.

The petitioner has been languishing in jail since
11.09.2022.

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
vehemently opposes the prayer of the petitioner 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 Ld. Special Judge- Excise, Patna in
connection with Special Case No. 5626 of 2022 arising out
of EXCISE PATNA P.S. Case No. 789 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)

ashishkr/-

U		T	
---	--	---	--

