

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6638 of 2023

Arising Out of PS. Case No.-1267 Year-2022 Thana- DANAPUR District- Patna

Abhishek Kumar @ Chintu S/O Sudhir Kumar @ Sudhir Kumar Roy
Resident Of Postal Park Budh Nagar Ward No- 31, P.S.- Kankarbagh,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Usha Kumari Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-02-2023 This case is listed for hearing out of turn on

account of mentioning that the newly born daughter of the

petitioner has died.

Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with Special

Excise Case No. 2021 of 2022 arising out of Danapur P.S.

Case No. 1267 of 2022, registered for the offences

punishable under Sections 30(a), 32(ii)(iii), 40(i)(ii) of the

Bihar Prohibition and Excise Act, 2016.

As per allegation altogether 439.5 liters liquor was

recovered from the Bolero Pick-up-van bearing Registration



No. BR-01GJ-5658 and Indigo Car bearing Registration No. BR-01-AJ-9211.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that nothing was recovered from the conscious possession of the petitioner. He also submits that the petitioner is neither the owner nor the driver of the seized vehicle. He also submits that the name of the petitioner has been implicated only on the basis of suspicion.

He further submits that the petitioner has been languishing in jail since 14.11.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

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

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances,



this application is allowed, directing the petitioner, above-named, to be enlarged 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 Ld. Special Excise Judge, Danapur, in connection with Special Excise Case No. 2021 of 2022 arising out of Danapur P.S. Case No. 1267 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 criminal antecedents other than



the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents 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, Ld. court below shall cancel the bail bonds of the petitioner.

(vi) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the Court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the Court below shall cancel the bail-bond of the petitioner.

Ld. 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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