

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12857 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- GAYA RAIL P.S. District- Gaya

ANIL KUMAR Son of Late Hari Prasad Resident of Mohalla - Baijnath
Sahay Lane, Manpur, P.S.- Buniyadganj, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
23.12.2022 in connection with Rail Gaya P.S. Case No. 91 of
2021, F.I.R. dated 30.05.2021 for the offences punishable under
Sections 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

Recovery is of total 144 liters of country made wine
and one mobile phone.

Learned counsel for the petitioner submits that
petitioner is innocent 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. as well as seizure list that nothing
has been recovered from the conscious possession or the house



of the petitioner rather the recovery has been made from the Train in question. He further submits that petitioner was not apprehended at the spot and he has no concern at all with the alleged recovery of illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 23.12.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, nothing has been recovered from the conscious possession or the house of the petitioner and petitioner was not apprehended at the spot and he has no concern at all with the alleged recovery of illicit liquor, 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 Exclusive Special Excise Court No.2, Gaya in connection with Rail Gaya P.S. Case No. 91 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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