

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12623 of 2023

Arising Out of PS. Case No.-61 Year-2022 Thana- KIUL District- Lakhisarai

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TARIK ANWAR, Son of Md. Layeek Ahmad R/o Village/Mohalla- Chhoti Dargah, Purani Bazar, Ward No. 11, P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mahtab Alam

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 21.01.2023, in connection with Kiul P.S. Case No. 61 of 2022, F.I.R. dated 19.04.2022, registered for the offences punishable under Sections 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

Prosecution story is that from the possession of the petitioner, 90 litres of illicit country-made liquor were recovered from a motorcycle.

Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. 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 of the petitioner rather recovery has been made from the motorcycle in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that the co-accused person has already been granted anticipatory bail vide order dated 04.11.2022 passed in Cr. Misc. No. 44579 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.01.2023.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V-cum-Exclusive Special Court-2, Excise, Lakhisarai, District-Lakhisarai, in connection with Kiul P.S. Case No. 61 of 2022,, 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 witness, 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 antecedents, 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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