

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17186 of 2023

Arising Out of PS. Case No.-317 Year-2022 Thana- AMBA District- Aurangabad

RAJA BABU BHUIYAN Son of Umesh Bhuiyan Resident of village - Simari
Bala, P.S.- Kutumba, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
30.12.2022 in connection with Amba P.S. Case No.317/2022,
F.I.R. dated 29.12.2022, for the offences punishable under
Sections 30(a) of the Bihar Excise Prohibition and Excise
Amendment Act, 2018 and Section 25(1-b)a, 26 and 35 of the
Arms Act.

According to prosecution case, total 50 litres of Mahua
liquor has been recovered from the motorcycle, on which the
petitioner and the co-accused, namely, Rahul Kumar was sitting
and one country made pistol has been recovered from the pocket
of the co-accused, namely, Rahul Kumar.

Learned counsel for the petitioner submits that



petitioner has falsely been 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 conscious possession of the petitioner rather the recovery has been made from the motorcycle in question and the country made pistol has been recovered from the possession of the co-accused, namely, Rahul Kumar and the petitioner has no concern at all with the alleged recovery of illicit liquor and the arms in question and there is non-compliance of Section 100 of the Cr.P.C. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 30.12.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

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 Special Judge, Excise 1st, Aurangabad in connection with Amba P.S. Case No. 317/2022, 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 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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