

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43799 of 2023

Arising Out of PS. Case No.-1450 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

AKHILESH KUMAR UTTAM @ SINGH JEE Son of Late Sudhir kr. Pandey
Resident of village - Ratanpur, P.S. - Tundi, Distt. - Dhanbad (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272 & 273 of the Indian Penal Code and Sections 30 (a), 36, 38 and 41 of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 7800 liters of spirit is said to have been recovered from truck. The name of the petitioner surfaced in this case on the confessional statement of driver of truck. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not



specific rather general and omnibus in nature. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

4. Petitioner is agreed to deposit a sum of Rs.3,00,000.00 (Rupees Three Lakhs) in three installments within three months in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB 0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on **provisional bail for four months**, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Ahiyapur P.S. Case No. 1450 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that:

- (i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.
- (ii) The petitioner shall not indulge himself in any



similar offence till conclusion of the trial.

6. The provisional bail of the petitioner shall be confirmed by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna as agreed by him and stated in paragraph-4 of this order.

(Anjani Kumar Sharan, J)

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