

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45399 of 2023**

Arising Out of PS. Case No.-114 Year-2023 Thana- KADWA District- Katihar

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AMLESH KUMAR Son of Mithilesh Yadav Resident of village - Birbanna,  
P.S. - Naryanpur, Distt. - Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pawan Kumar Singh, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      31-07-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. Petitioner seeks bail, who is in custody since  
06.06.2023, in connection with Kadwa P.S. Case No. 114 of  
2023, F.I.R. dated 06.06.2023 registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibitioin and  
Excise Amendment Act, 2016.

3. Recovery is of 161.200 litres of foreign liquor.

4. 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 Tata Indigo car in



question and the petitioner has no concern at all with the alleged recovery of illicit liquor and he is not the owner of the vehicle in question. The petitioner is in custody since 06.06.2023.

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

6. Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioner and having no criminal antecedent, 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 District & Sessions Judge-cum-Exclusive Special Judge (Excise) Court No.II, Katihar in connection with Kadwa P.S. Case No. 114 of 2023, 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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