

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47670 of 2023

Arising Out of PS. Case No.-77 Year-2022 Thana- AMAS District- Gaya

1. Arvind Bhuiyan @ Arvind Rikiyasan S/o Chhote Bhuiyan @ Chhotu Rikiyasan R/o Village-Imaliyatand (Khaira Pokhar, Jhari), P.S.-Amas, District-Gaya
2. Janeshwar Bhuiyan @ Ramji Bhuiyan @ Janeshwar Rikiyasan @ Jageshwar Bhuiyan S/o Late Bashu Bhuiyan @ Bashudeo Rikiyasan @ Bashudeo Bhuiyan Village-Baliyari, P.S.-Amas, District-Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners seek bail, who are in custody since 29.05.2023, in connection with Amas P.S. Case No. 77 of 2022, F.I.R. dated 04.03.2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

3. Recovery is of 200 litres of country made liquor.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have 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 or the house of the petitioner rather recovery has been made near Mastul Pahadi and the petitioners have no concern at all with the alleged recovery of illicit liquor. He further submits that the petitioners were not apprehended at the spot and the name of the petitioners have been transpired on the basis of disclosure made by the local villagers. The petitioners are in custody since 29.05.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner no. 1 carries two more cases other than the present one and the petitioner no. 2 carries one more case other than the present one but fairly submits from paragraph-3 of the petition that the petitioners are on bail in all the cases.

6. Considering the facts and circumstances of the case and nothing has been recovered from the possession of the petitioners, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge Court-II, Gaya in connection with Amas P.S. Case No. 77 of 2022, subject to the following conditions :-



(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioner has concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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