

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53238 of 2023

Arising Out of PS. Case No.-279 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Abhishek Singh Son Of Bablu Singh R/O-Jogiraha, P.S.-Sidhwaliya, Distt.-
Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate
For the State : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 22.06.2023, in connection with Kuchaikote P.S. Case No. 279 of 2023, F.I.R. dated 12.06.2023 registered for the offences punishable under Sections 30 (a) of the Bihar Excise and Prohibition (Amendment) Act, 2018.

3. Recovery is of 150.060 litres of foreign liquor as well as country made liquor.

4. Learned counsel for the petitioner submits that the petitioner is innocent 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 incriminating article has been recovered from the conscious possession of the



petitioner and the name of the petitioner has been transpired on the basis of disclosure made by co-accused Sachin Kumar Singh and altogether 150.060 litres of foreign liquor and country made liquor has been recovered from a gunny bag which was loaded in a motorcycle in question and the petitioner thrown the gunny bag from the motorcycle which was recovered by the prosecution side. He further submits that the petitioner was not apprehended from the spot and is in custody since 22.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits on the basis of supplementary affidavit filed by the petitioner that the petitioner carries two more cases other than the present one.

6. Considering the facts and circumstances of the case, nothing has been recovered from the conscious possession of the petitioner, 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-IV-cum-Special Judge Excise IInd, Gopalganj in connection with Kuchaikote P.S. Case No. 279 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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