

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53228 of 2023

Arising Out of PS. Case No.-235 Year-2023 Thana- DUMRAO District- Buxar

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BHOLU KUMAR @ ABHISHEK KUMAR @ ABHISHEK KUMAR
THAKUR S/O SHIV JI THAKUR R/O VILL.- MITRLOK COLONY
BUXAR, P.S.- BUXAR (M), DIST.- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kamal Deo Sharma, Adv.

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 19-08-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 06.06.2023 seeks bail, in connection with Dumraon P.S. Case No.235/2023, dated 05.06.2023, for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.
3. According to prosecution case, total 17.5 litres of beer has been recovered from the possession of the petitioner and 18 litres of beer has been recovered from the possession of co-accused namely Anand Kumar.
4. Learned counsel for the petitioner submits that the 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. He further submits that as per F.I.R., altogether 17.5 litres of beer has been recovered from the possession of the petitioner, which was owned by the petitioner as stated in the F.I.R. and there is non-compliance of Section 100 Cr.P.C. The petitioner is in custody since 06.06.2023.

5. 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 has carried three criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the three cases.

6. 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 Exclusive Special Judge, Excise Court No.1, Buxar in connection with Dumraon P.S. Case No.235/2023, 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 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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