

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55621 of 2023

Arising Out of PS. Case No.-325 Year-2021 Thana- KALYANPUR District- Samastipur

ANIL KUMAR RAI @ ANIL KUMAR YADAV Son of Ram Chandra Roy @
Ramchandar Rai Resident of Village-Govindpur Khajoori, Police Station-
Kalyanpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 22.05.2023 seeks
bail, in connection with Kalyanpur P.S. Case No.325/2021,
dated 21.11.2021, excise G.R. No. 1245/2021, for the offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise (Amendment) Act, 2016.

3. According to prosecution case, total 414 litres of
foreign liquor has been recovered from the possession of the
petitioner.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that from perusal of the F.I.R. as well as seizure



list, it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the house (Bhuskhar) of the petitioner. He further submits that there is non-compliance of Section 100 Cr.P.C. and the petitioner was not apprehended at the spot. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 22.05.2023.

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 two similar nature of criminal antecedent other than the present one but fairly submits that the petitioner is on bail in both the 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 Special Judge Excise-I, Samastipur in connection with Kalyanpur P.S. Case No.325/2021, Excise G.R. No. 1245/2021, 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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