

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53736 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Aman Kumar Son Of Late Umesh Chaudhary Resident Of Village- Purani
Chatti Ps- Sherghati, Distt- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
16.06.2023, in connection with Sherghati Excise P.S. Case No. 13
of 2023, F.I.R. dated 15.06.2023 registered for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act (Amended Act, 2018).

3. Recovery is of 38.3 litres of *beer*.

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 altogether 38.03 litres of
beer has been recovered from the house of the petitioner and



there is non compliance of Section 100 of the Cr. P.C. and the petitioner is in custody since 16.06.2023.

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, 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 Exclusive Excise Court No. III, Gaya in connection with Sherghati Excise P.S. Case No. 13 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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