

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56649 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- JAYNAGAR District- Madhubani

Amit Kumar Son of Ashok Yadav Resident Of Village - Gobrahi, P.S. - Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha

For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-08-2023 Heard the Ld. counsel for the petitioner and the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Jaynagar P.S. Case No. 201 of 2023 Corresponding to G.R. No. 756 of 2023, registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 10.2 liter of liquor has been recovered from a motorcycle which is said to have been parked by the Petitioner near his house.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the vehicle from which the alleged recovery has been made, does not belong to the Petitioner, nor it was being driven by him. He also submits that the whole case is



based only on suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. In view of the aforesaid facts and circumstances no *prima facie* case is made out against the petitioner for want of cogent legal material against him.

9. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-II cum Special Judge, Excise Act, Madhubani, in connection with Jaynagar P.S. Case No. 201 of 2023 Corresponding to G.R. No. 756 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:



(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the court below.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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