

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58613 of 2023

Arising Out of PS. Case No.-148 Year-2023 Thana- BENIPATTI District- Madhubani

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Ankit Kumar Singh @ Amar Kumar Singh @ Amar Singh S/O Late Subodh Kumar Singh R/O Village- Mabbi, Belauna Shabajpur Mulak, Ps. Mabbi O.P, Dist. Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 06.07.2023, in connection with Benipatti P.S. Case No. 148 of 2023, G.R. No. 1050 of 2023, F.I.R. dated 05.07.2023 registered for the offences punishable under Sections, 272, 273, 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case relates to recovery of 315 litres of Nepali *liquor* from the car and 45 litres of Nepali Liquor from the Scooty..

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 altogether 315 litres of Nepali liquor has been recovered from a car and 45 litres of Nepali liquor has been recovered from the Scooty in question. He further submits that he has no concern at all with the alleged recovery of illicit liquor or vehicle in question and the petitioner is neither the owner nor the driver of the vehicle in question particularly car. He further submits that the petitioner is in custody since 06.07.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the cases.

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 Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Benipatti P.S. Case No. 148



of 2023 G.R. No. 1050 of 2023, subject to the following conditions :-

(i) Learned Trial Court is directed to verify the genuineness that whether the petitioner is the owner of the vehicle bearing Registration No. DL3CAL-7968 and if the petitioner is the owner of the said vehicle in question as mentioned aforesaid, the bail bond of the petitioner should not be accepted by the learned Trial Court.

(ii) 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.

(iii) 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.

(iv) 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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