

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62068 of 2023**

Arising Out of PS. Case No.-313 Year-2023 Thana- KUDHNI District- Muzaffarpur

Avinash Kumar Son Of Sri Vishwambhar Singh Resident Of Village -  
Kishunpur Mohini, P.S. - Kudhani, District - Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Krishna Kant Singh, Advocate  
For the Opposite Party : Mr. Mritunjay Kumar Nirala, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA**  
**ORAL ORDER**

2      16-10-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with  
Kudhani P.S. Case No. 313 of 2023 dated 24.06.2023, instituted  
for the offence punishable under Sections 30  
(a) of the Bihar Prohibition & Excise Act, 2018.

3. Allegation against the petitioner is recovery of  
51.840 litres from a Maruti Wagon-R car bearing Reg. No. BR-  
2H-8834.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and he has falsely been implicated in this  
case. It is submitted that nothing has been recovered from the  
conscious possession/house of the petitioner. It is further  
submitted that the petitioner has no concern with the said



vehicle and the seized article. It is further submitted that the petitioner has not been arrested on the spot and only on the basis of secret information he has been named in the F.I.R. Lastly, it has been submitted that the petitioner has two cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Kudhani P.S. Case No. 313 of 2023, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. II<sup>nd</sup>, Muzaffarpur, subject to condition as laid down under Section 438(2) of the Cr.P.C, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or



his wife.

iii. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

iv. 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.

**(Khatim Reza, J)**

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