

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61792 of 2023

Arising Out of PS. Case No.-192 Year-2023 Thana- BALIYA District- Begusarai

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Bimlesh Kumar Son Of Kunwar Sen Resident Of Village-Nagla Daulat
Kurawali, P.S.-Kurawali, District-Mainpuri, State-Uttar Pradesh-205265.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.07.2023 in connection with Balia P.S. Case No. 192 of 2023,
F.I.R. dated 19.07.2023 for the offences punishable under
Sections 290/120(B) of the Indian Penal Code along with
Section 30(a)/32/41(i)(ii) of the Bihar Prohibition & Excise Act.

3. According to prosecution case, recovery of total
1791 liter foreign liquor has been made from the possession of
the accused person.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that he is
the owner of the truck in question. He further submits that from
the bare perusal of the F.I.R. and seizure list, nothing



incriminating has been recovered from the conscious possession or from the house of the petitioner and the recovery has been made from the truck in question. He further submits that petitioner was not arrested at the place of occurrence and there is non-compliance of Section 100 of the Cr.P.C. The petitioner is in custody since 21.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise – 2nd, Begusarai, in connection with Balia P.S. Case No. 192 of 2023, 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 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.

ii. 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.

iii. 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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