

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61677 of 2023

Arising Out of PS. Case No.-484 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Harshbardhan Anand S/O Shree Mant Suman R/O Village- Ratnapura, Ps.
Dhailar, Dist. Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
26.05.2023, in connection with Kotwali (Barari) P.S. Case No.
484 of 2023, F.I.R. dated 25.05.2023 registered for the offences
punishable under Sections 30(a), 32(i)(ii), 41 of the Bihar
Prohibition and Excise Act, 2016.

3. Recovery is of 139.125 litres of *Foreign* liquor.

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 nothing has
been recovered from the conscious possession of the petitioner



or the vehicle in question in which the petitioner was moving. He further submits that recovery has been made from the other vehicle and the petitioner has been implicated in the present false and fabricated case. He further submits that there is non compliance of Section 100 of the Cr P.C. and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 26.05.2023.

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, nothing has been recovered from the conscious possession of the petitioner and the petitioner having clean antecedent, 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 Court of learned Special Excise Judge 1st, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 484 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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