

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61898 of 2023

Arising Out of PS. Case No.-243 Year-2022 Thana- KALYANPUR District- Samastipur

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Anil Kumar Rai @ Anil Kumar Yadav Son Of Ram Chandra Roy Resident Of
Village - Govindpur Khajoori, Police Station - Kalyanpur, District –
Samastipur Petitioner/s

Versus

The State Of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Ahmad Ali, 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
07.06.2023 in connection with Kalyanpur P.S. Case No. 243 of
2022, F.I.R. dated 06.08.2022 for the offences punishable under
Sections 30(a), 32(iii), 36 and 41(i) of the Bihar Prohibition and
Excise Amendment Act.

3. Recovery is of 1215 liters of Indian made foreign
liquor.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of the disclosure made by the co-
accused persons, namely, Md. Shah Nawaz @ Sanju and Anil
Rai. 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 or the house of the petitioner rather the recovery has
been made from the truck in question. He further submits that



the petitioner is neither the owner nor the driver of the said truck in question and he has no concern at all with the alleged recovery of the illicit liquor. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated co-accused, namely, Md. Shah Nawaj @ Sanju who disclosed the name of the petitioner has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 21.04.2023 passed in Cr. Misc. No. 75155 of 2022 and another co-accused, namely, Anesh Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 04.07.2023 passed in Cr. Misc. No. 18515 of 2023. The petitioner is in custody since 07.06.2023.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special



Judge Excise I Samastipur in connection with Kalyanpur P.S.

Case No. 243 of 2022, 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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