

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62671 of 2022

Arising Out of PS. Case No.-313 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Ambika Kumar @ Ambika Yadav, aged about 29 years, Male, S/o Malik
Yadav R/o Village- Badi Kothiya, P.S.- Muffasil, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 13-01-2023 This matter has been taken up today for consideration through
video conferencing.

Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with S. Kamal P.S.
Case No. 313/2020 registered for the offence punishable under
Section 120(B), 34 of the Indian Penal Code and 30(a), 32, 41(i) of
Bihar Prohibition and Excise Act.

2054.16 litres (two thousand fifty four litres and sixteen
millilitres) of illicit liquor has been recovered from a truck allegedly
parked in front of house of one co-accuse, Gaurav Yadav.

It is submitted by petitioner's counsel that he was not arrested
at the time and place of recovery. His arrest has led to no recovery
from his possession, or at his instance. Merely based on some
unknown disclosure, during the course of investigation, petitioner has
been implicated in this case as one who also indulged in the trade of
illicit liquor. He has one criminal antecedent in P.S. Case No.
708/2020. He is in custody since 12.06.2022.



Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of recovery, nature of allegation, and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Court-02, Begusarai, in connection with S.Kamal P.S. Case No. 313/2020, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

rajkishore/-

U		T	
---	--	---	--

