

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67168 of 2023

Arising Out of PS. Case No.-138 Year-2023 Thana- KASMA District- Aurangabad

Subhash Kumar, Son Of Kamlesh Chaudhary Village- Raja Bigha, P.S.- Aanti,
Dist- Gaya (Bihar)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Kasma P.S. Case No. 138 of 2023, lodged on 13.08.2023 under
Sections 30(a) of Bihar Prohibition and Excise (Amendment)
Act, 2018.

3. As per the prosecution case, the total recovery of 60
litres of illicit country made liquor is the subject matter of the
present case.

4. Learned counsel for the petitioner submits that the
petitioner has been arrested at the place of occurrence and
submits that in this case, he has been implanted by showing
recovery from a motorcycle which he was riding, but he was
completely unaware that illegal wine has been kept in the



motorcycle. He further submits that the antecedent of the petitioner is clean and he is in custody since 14.08.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad (Bihar) in connection with Kasma P.S. Case No. 138 of 2023 subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidence,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J.)

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