

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66719 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- KATHAIYA District- Muzaffarpur

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AMLESH KUMAR S/O MEGHNATH RAI R/O VILLAGE- ASWARI
BANJARIA, P.S- KATHAIYA, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Rabindra Kumar

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Kathaiya P.S. Case No. 69 of 2023 lodged on 30.05.2023 under Section 30(a)/41(i) of the Bihar Prohibition & Excise (Amendment) Act, 2022.

3. As per the prosecution case, the total recovery of 267.840 litre of illicit foreign liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The alleged recovery of liquor has neither been made from the house of the petitioner nor from the possession of the petitioner, rather the said recovery has been made from a public place which does not



belong to the petitioner. The petitioner is in custody since 28.07.2023 and is accused in two more criminal cases. Out of two criminal cases in one case he is on bail while in other case he is persuading bail.

4. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner his criminal antecedent must be taken into consideration.

5. 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), Court-II, Muzaffarpur, in connection with in Kathaiya P.S. Case No. 69/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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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