

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69585 of 2023

Arising Out of PS. Case No.-314 Year-2023 Thana- BAHADURPUR District- Patna

Abhishek Kumar @ Karan Chauhan, Son of Ashok Kumar @ Ashok Kumar Singh Resident of Village - Babuaganj Pani Tanki, P.S.- Alamganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jainendra Kumar Pushkar, Advocate

For the Opposite Party/s : Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bahadurpur P.S. Case No. 314 of 2023, lodged on 31.08.2023 under Section 414 of the Indian Penal Code and under sections 30(a), 32(1)(2) and 36 of the Bihar Prohibition and Excise Act.

3. As per the prosecution case, the FIR has been lodged against 7 named accused persons including the present petitioner. Also, total recovery of 130 litres of country made liquor is the subject matter of the present case.

4. Learned counsel for the petitioner submits that from the seizure list, it is very much clear that the recovery of excise material has been made near a water tank. He also



submits that the petitioner is in custody since 01.09.2023 and there are four criminal cases pending against him. He further submits that other accused persons of this case has been granted regular bail by a co-ordinate Bench of this Court vide order dated 11.10.2023 passed in Criminal Miscellaneous No. 64513 of 2023 and vide order dated 16.10.2023 passed in Cr. Misc. No. 66478 of 2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and there are four criminal cases pending against him. As such, at the time of consideration of the bail, this aspect may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Court of Excise, Patna City in connection with Bahadurpur P.S. Case No. 314 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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