

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69161 of 2022

Arising Out of PS. Case No.-349 Year-2022 Thana- SABAUR District- Bhagalpur

ABDHESH KUMAR VERMA @ AWADHESH VERMA @ AWADHESH KUMAR Son of Sri Nand Kishor Verma @ Sri Nandkishor Verma R/o Ratura, Pahariya, P.S.- Sarwan, District- Deoghar (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhimanyu Deo

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 08-02-2023 Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Sabour P.S. Case No. 349 of 2022, registered for the offence punishable under Sections 30(a), 32(i), (ii) & 41 of the Bihar Prohibition and Excise Act and Sections 272, 273, 419, 420 of the Indian Penal Code.

The allegation is regarding recovery of illicit liquor from a Maruti Suzuki Balleno car and the driver, who was apprehended from the spot, had disclosed about the complicity of one other person, namely, Amit Kumar, who was arrested



subsequently and upon interrogation, he had disclosed about the complicity of the petitioner and another co-accused persons in the occurrence in question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 4.9.2022. The learned counsel for the petitioner has further submitted that only since the petitioner is an accused in five other cases of similar nature, he has been made an accused in the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record, though this Court finds that the complicity of the petitioner in the present case is prima facie not fully borne out from the records, however, considering his bad



antecedent, I deem it fit and proper to direct for release of the petitioner on bail, upon framing of charges by the learned trial court, subject to such conditions as may be deemed fit and proper to be imposed by the learned Court of Special Judge, Exclusive Excise Court No. 2, Bhagalpur in connection with Sabour P.S.Case No. 349 of 2022.

The present petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

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