

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76052 of 2023

Arising Out of PS. Case No.-727 Year-2023 Thana- Excise P.S. District- Patna

ANKIT KUMAR Son of Umesh Ray Resident of Village - Dayalpur, P.S.-
Bihta, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Excise
Danapur P.S. Case No. 727 of 2023 registered for the offences
punishable under Sections 30(a) and 32(3) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, 125 litre illicit country
made wine was recovered from motorcycle in question and
petitioner apprehended on the spot.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged
in the FIR. Petitioner bears no criminal antecedent. It is further
submitted that hot exchange took place between petitioner and
the police party, due to which petitioner has falsely been



implicated in this case with ulterior motive. Petitioner has nothing to do with the alleged occurrence. Though, the vehicle in question belongs to the petitioner, nothing has been recovered from his conscious possession. He is in custody since 11.08.2023. Learned counsel has orally submitted that charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence. It is further submitted that as per allegation made in the FIR, one bag containing 100 litres of illicit liquor and another bag containing 25 litres of illicit liquor were being carried on the motorcycle which pragmatically and prudently is completely absurd.

The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view the clean antecedent of the petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Danapur in connection with Excise Danapur P.S. Case No. 727 of 2023, subject to the following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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