

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.265 of 2023**

Arising Out of PS. Case No.-662 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

Mintu Kumar @ Bhuwar Yadav @ Bhuwar Son of Shardanand Singh @
Shardanand Yadav R/v- Amhara, P.S.- Bihta, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 19-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
19.10.2022, in connection with Aurangabad Nagar P.S. Case No.
662 of 2022, G.R. No. 1304 of 2022, F.I.R. dated 18.10.2022
registered for the offences punishable under Sections 30(a)/32
(i) ii/36/41(i) of the Bihar Prohibition and Excise Act, 2018.

Recovery is of 1214.535 litres of country made
foreign liquor.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that it appears from the F.I.R.
as well as seizure list that nothing has been recovered from the



conscious possession of the petitioner rather recovery has been made from two vehicles in question and the petitioner has no concern at all with the alleged recovery of illicit liquor. He further submits that similarly situate co-accused persons namely Vishal Kumar, Mukesh Kumar and Rajeev Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 25.02.2023 passed in Cr. Misc. No. 74709 of 2022 and its analogous case, another co-accused Rajeev Kumar @ Raju has been granted bail by a Coordinate Bench of this Court vide order dated 29.03.2023 passed in Cr. Misc. No. 70 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 19.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Judge, Excise-1, Aurangabad in connection with



Aurangabad Nagar P.S. Case No. 662 of 2022, G.R. No. 1304 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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