

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1761 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- BAUNSI District- Banka

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Bibhuti Kumar @ Vibhuti Kumar, Son of Late Shyam Sundar Singh, R/v-
Ramdiri-01, Jagatpura, Ward No. 09, P.S.- Matihani, District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party : Mrs. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 Heard Mr. Ram Sumiran Rai, learned counsel for the

petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bounsi P.S. Case No.67 of 2022 registered for the offences punishable under Sections 30(a) and 32(2) of the Bihar Prohibition and Excise Act, 2018.

The police on a secret information intercepted two vehicles and in course of search 366.78 litres and 159.120 litres of liquor have been recovered from the respective vehicles.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from the person or possession of the petitioner, however, during the course of investigation it has



been found that one of the vehicle belongs to the petitioner on the basis thereof he has been arrested on 12.10.2022 and since then he is in custody. He next submitted that so far the vehicle, in question, is concerned, the same has already been sold to one Antriksh Kumar and he has no knowledge about the fact that the same is being used for any illegal activities. He next submits that the petitioner having fair antecedent and has never been involved in any crime and moreover the charge-sheet has already been submitted.

Learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the petitioner having fair antecedent and he was not apprehended at the spot, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Banka in connection with Bounsi P.S. Case No.67 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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