

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80044 of 2023**

Arising Out of PS. Case No.-23 Year-2023 Thana- NADI District- West Champaran

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AMBIKA KUMAR @ AMBIKA KUMAR MALHORI @ AMBIKA  
PRASAD MALHARI Son of Kailash Mali Resident of Village - Chakhani  
Rajwatia, Ward No.- 7, P.S.- Bagaha, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms.Preeti Kumari, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP.

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      15-12-2023      Heard learned counsel for the petitioner and learned A.P.P.  
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

3. Altogether 253.800 litres of foreign liquor liquor has been recovered from the seized tractor. The driver of the tractor was apprehended and disclosed that the said tractor belongs to the petitioner.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either



with the seized liquor or place of recovery or any trade of liquor. The allegation levelled against the petitioner is general and omnibus in nature. He was not apprehended on the spot. He had not consumed liquor. His name has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused. He is not the owner of the seized tractor. The real fact is that the seized tractor belongs to one Upendra Prasad Yadav, which is also mentioned in para 8 of the bail application. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch, Patna.

6. Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in con-



nection with Nadi P.S. Case No. 23 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Mahavir Cancer Sansthan, Patna.

**(Anjani Kumar Sharan, J)**

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