

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56427 of 2024

Arising Out of PS. Case No.-30 Year-2024 Thana- Aunsi District- Madhubani

Abhishek Kumar S/o Raja Ram Mohan Resident of village Laxmipur PS
Jaynagar District madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks grant of regular bail, in connection with Aunsi P.S. Case No.30 of 2024 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. In course of patrolling, the police on suspicion intercepted a Maruti Eco car. Noticing the police party, two persons who were found sitting in the vehicle tried to flee away, however, the petitioner was apprehended and the another person succeeded in fleeing away. On search, 495 liters Nepali country made liquor was recovered.

4. Learned Advocate for the petitioner contended that when the raid was conducted the people started fleeing away from the place of occurrence and in the meantime on suspicion



the police has apprehended the petitioner. It is further contended that the false implication of the petitioner is only because of one criminal antecedent of the identical nature. The petitioner has neither any concern with the vehicle in question nor with the recovered illicit wine. It is also contended that the witnesses to the search and seizure are police personnels and as such in defiance of the provision of Section 100 Cr.P.C.. Be that as it may the petitioner is in custody since 22.06.2024 and now the investigation of the crime is complete.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner was habitual of the crime.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has neither any concern with the vehicle in question or with the illicit wine coupled with the completion of the investigation or submission of the charge-sheet, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, cum Special Judge, Excise Act, Madhubani in connection with Aunsi P.S. Case No.30 of 2024, 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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