

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60701 of 2024

Arising Out of PS. Case No.-279 Year-2023 Thana- KUCHAIKOTE District- Gopalganj

Abhishek Singh Son of Bablu Singh R/O - Jogiraha, P.S - Sidhwaliya, District
- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Umesh Kumar Singh, learned counsel for
the petitioner and Mr. Ramesh Chandra, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.07.2024 in connection with Kuchaikote P.S. Case No. 279 of
2023, Tr. No. 3651 of 2024, F.I.R. dated 12.06.2023 for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Amendment Act, 2022.

3. Recovery is of 150.060 liters of country and foreign
made wine.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that earlier the petitioner has
been granted regular bail by this Court vide order dated
12.09.2023 passed in Cr. Misc. No. 53238 of 2023 with the



condition that the 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. He further submits that the advocate clerk who was engaged with this case has not marked attendance in favour of the petitioner in the learned Court below and due to his negligence, the bail bond of the petitioner was cancelled and NBW has been issued against the petitioner on 08.12.2023. Later on, the petitioner has surrendered on 03.07.2024.

5. Learned counsel for the petitioner further submits that it is not the case of misuse of the bail and due to laches on the part of the advocate clerk, the bail bond of the petitioner has been cancelled.

6 The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances and the petitioner has clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District &



Sessions Judge IV cum Special Judge Excise Court No. II, Gopalganj in connection with Kuchaikote P.S. Case No. 279 of 2023, Tr. No. 3651 of 2024, subject to the following conditions:-

- i. 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.
- ii. 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.
- iii. 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 antecedent, 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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