

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.73546 of 2024**

Arising Out of PS. Case No.-89 Year-2021 Thana- PATEPUR District- Vaishali

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Akhilesh Kumar @ Aditya Abhinav @ Pulti S/o Ram Kishun Ray R/o  
Village- Bardiha Turki, P.S.- Patepur, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Satya Nand Shukla, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

6      04-10-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Patepur P.S. Case No. 89 of 2021, registered for the offences under Sections 30 (a), 32(ii), 38(ii) and 41(i) of the Bihar Prohibition and Excise Act, 2018.

3. As per the prosecution case, police received a tip off about illegal transaction of illicit liquor and a raid was conducted at the identified place and recovery of 3693.6 litres of India made foreign liquor was made from a truck and a pick up vehicle. Six persons were apprehended from the spot and six miscreants fled away from the spot on seeing the police party. The name of the petitioner transpired during investigation as one of the miscreants who fled away from the spot.



4. Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the petitioner has been named in this case merely on suspicion and the petitioner has no concern with the seized vehicles. The name of the petitioner transpired in the confessional statement of co-accused Barun Rai who has been granted regular bail by a co-ordinate Bench of this Court *vide* order dated 28.02.2022 passed in Cr. Misc. No. 48725 of 2021. Another similarly placed co-accused Sanjeev Kumar @ Bhola has been granted regular bail by this Court *vide* order dated 15.10.2022 passed in Cr. Misc. No. 10312 of 2022. The petitioner is having antecedent of six cases but he is on bail in all these cases. The petitioner is in custody since 12.09.2024.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned A.P.P. submits that petitioner appears to be a habitual offender and is accused in altogether six cases.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from him, the petitioner is directed to



be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Prohibition and Excise Court (Second)-cum-Additional District and Sessions Judge, Hajipur, Vaishali/concerned court, in connection with Patepur P.S. Case No. 89 of 2021, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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