

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73049 of 2024

Arising Out of PS. Case No.-800 Year-2024 Thana- Excise P.S. District- Aurangabad

Abhilesh Kumar Son of Shri Mahendra Yadav Resident of Village- Laxman
Bigha, P.O.- Ghosta, P.S.- Madanpur, Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-10-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Aurangabad Excise P.S. Case No. 800 of 2024 registered for the
offences punishable under Sections 30(a) and 32(3) of Bihar
Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 385 litre spirit was
recovered near the house of co-accused Chotu Kumar and he
disclosed that petitioner has given the said spirit to him for
selling.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as
alleged in the F.I.R. Petitioner is in custody since 21.08.2024.



He further submits that in para 3 of bail petition, it has been inadvertently mentioned that petitioner bears criminal antecedent of six cases but basically petitioner bears criminal antecedent of seven cases in which he is on bail in six cases. Learned counsel further submits that petitioner has been roped in one case after another in a routine manner. It is further submitted that except disclosure of co-accused Chotu Kumar, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. Petitioner has no connection with the alleged place of recovery

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise II Aurangabad, Bihar in connection with Aurangabad Excise P.S. Case No. 800 of 2024 , subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall submit an undertaking before the trial court that petitioner bears criminal antecedent of seven cases otherwise his bail bond shall not be accepted by the trial court.

(Alok Kumar Pandey, J)

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