

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2894 of 2024**

Arising Out of PS. Case No.-133 Year-2020 Thana- HASANPUR District- Samastipur

Abhishek Kumar, S/O Dineshwar Yadav Mohalla- Panjabi Colony, Ps.  
Samastipur Town, Dist. Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL ORDER**

2      31-01-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with  
Hasanpur P.S. Case No. 133 of 2020, lodged on 17.06.2020  
under Section 30(a) of the Bihar Prohibition and Excise Act,  
2016.

3. As per the prosecution case, FIR has been lodged  
against five named accused persons including the present  
petitioner and one unknown accused person. Total 882 litres of  
foreign liquor has been recovered which is the subject matter of  
the present case.

4. Learned counsel for the petitioner submits that the  
petitioner is innocent and has committed no offence. Counsel  
also submits that the driver of the vehicle has been apprehended



who has disclosed the name of the present petitioner and the petitioner was not apprehended from the place of occurrence. Counsel further submits that the antecedent of the petitioner is not clean and there are three criminal cases pending against him in which he is on bail. The petitioner is in custody since 09.11.2023 in the present case.

5. Learned counsel for the petitioner further submits that the other co-accused has been granted bail by the co-ordinate Bench of this Court *vide* order dated 02.07.2021 passed in Cr. Misc. No. 22622 of 2021.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the antecedent of the petitioner is not clean and the petitioner is accused in three criminal cases of similar nature.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-1st, Samastipur in connection with Hasanpur P.S. Case No. 133 of 2020, subject to the conditions as laid down U/s 437(3) Cr.P.C.



as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Dr. Anshuman, J.)**

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