

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4093 of 2025**

Arising Out of PS. Case No.-441 Year-2023 Thana- SABAUR District- Bhagalpur

Abhishek Kumar @ Bambam S/O Rajendra Singh R/O Village- Harpur  
Bhindi, Police Station- Tajpur , District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Gulnar Begum

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      24-01-2025                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sabaur  
P.S. No. 441 of 2023 registered for the offence punishable under  
Section 414 of the Indian Penal Code and Sections 30(a), 32(i)(ii),  
41 of Bihar Prohibition and Excise (Amendment) Act.

3. As per prosecution case, Swift Dzire car was  
intercepted and from the said car 138.060 litre illicit liquor was  
recovered. Co-accused Asmit Kumar was alleged to be driver of  
the said car and co-accused Abhinav Kumar and Pawan Kumar  
were found sitting in the said car and all of them were  
apprehended on spot. It is further alleged that magic Pick-up  
vehicle was also intercepted and from the said Pick-up vehicle  
480.570 litre foreign liquor was also recovered. Co-accused Sushil  
Kumar being driver of the said Pick-up vehicle apprehended on



spot.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. He further submits that during the course of investigation, the name of the petitioner has been transpired in this case as the owner of the said Swift Dzire Car in question. He further submits that co-accused Abhinav Kumar borrowed the said Swift Dzire Car from the petitioner for the personal use and he misused the car in question. Petitioner has nothing to do with the alleged recovery of the illicit liquor. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. Petitioner is in custody since 29.10.2024 and bears criminal antecedent of two cases out of which petitioner is on bail in one case. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Abhinav Kumar has already been granted bail by this Court vide Cr. Misc. No. 75812 of 2023 and the case of present petitioner stands more or less on similar footing.

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, co-accused has already been granted bail, 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, Bhagalpur in connection with Sabaur P.S. Case No. 441 of 2023, 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.

**(Alok Kumar Pandey, J)**

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