

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9036 of 2025

Arising Out of PS. Case No.-103 Year-2023 Thana- KANTI District- Muzaffarpur

Utkarsh Raj, aged about 24 years,(Male), son of Sri Sanjay Kumar Singh,
resident of Near Masjid, Chainpur, Damodarpur, PS- Kanti District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

6 21-02-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with
Kanti PS Case No.103 of 2023 dated 07.02.2023, instituted
under Sections 30(a), 32(i)(ii), 36, 41 (I) of the Bihar
Prohibition and Excise Act.

3. The allegation is of recovery of 483.120 litres of
liquor from a car as well as an orchard.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. Further submission is that nothing has been recovered
from the conscious possession of the petitioner. Only on the
basis of disclosure made by the apprehended persons, namely,



Sonu Kumar and Rahul Kumar, the petitioner has been made accused in this case. The petitioner has no concern either with the recovered wine or with the seized vehicle. It is further submitted that Shubham Kumar @ Antosh Singh @ Antosh Kumar has been granted anticipatory bail by this Court by order dated 21.07.2023 passed in Cr. Misc. No.35921 of 2023. Lastly, it is submitted that two criminal cases are pending against the petitioner.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise Court No.-II, Muzaffarpur, in Kanti PS Case No.103 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973/ 482(2) of the *Bhartiya Nagrik Suraksha Sanhita*, 2023, and further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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, and (v) that the petitioner shall appear before the SHO of Kanti PS every fortnightly to mark his attendance till the conclusion of trial.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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