

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32828 of 2025

Arising out of PS. Case No.-34 Year-2025 Thana- NATIONAL HIGHWAY District- Samas-
tipur

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1. Amar Kumar son of Abodh Thakur Village- Chakle Waini P.S -Waini Dis-
trict- Samastipur
 2. Hariom Thakur @ Vivek Kumar Bhardwaj @ Vivek Bhardwaj son of
Akhilesh Thakur @ Akhilesh Kumar Village- Waini Ward no. 12, P.S -Waini
District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Advocate
For the Opposite Party/s: Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the state.

2. The petitioners seek bail in connection with N.H.
Bangra P.S. Case No. 34 of 2025 dated 28.03.2025 instituted for
the offences under Sections 30(a) of the Bihar Prohibition and
Excise Act. Petitioner no. 1, Amar Kumar has two criminal an-
tecedents of similar nature while the petitioner no. 2, Hariom
Thakur @ Vivek Kumar Bhardwaj @ Vivek Bhardwaj has no
criminal antecedent .

3. The prosecution case is to the effect that on the ba-



sis of the secret information the informant saw a car parked with four persons standing and on seeing the police the said persons tried to flee and the police after chase apprehended two persons who disclosed their names as Amar Kumar and Hariom Thakur @ Vivek Kumar Bhardwaj @ Vivek Bhardwaj (Petitioners). On search, total 81 litres of illicit liquor was recovered from the car which was found parked there and two persons who had fled from the place of occurrence were identified as Bittu Kumar and Vipin Kumar @ Ashish Rai.

4. It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case and they were passersby and police on false pretext had arrested them and shown recovery of the foreign liquor from their possession. It is further submitted that the petitioners are neither the owner nor the driver and cleaner of the said seized vehicle in which the liquor was found. It is lastly submitted that the petitioner no. 1, Amar Kumar has two criminal antecedents of similar nature while the petitioner no. 2, Hariom Thakur @ Vivek Kumar Bhardwaj @ Vivek Bhardwaj has no criminal antecedent and they are in custody since 28.03.2025. Learned counsel for the petitioner No. 1, Amar Kumar undertakes to deposit a sum of Rs. 10,000/- and the petitioner no. 2, Hariom Thakur @



Vivek Kumar Bhardwaj @ Vivek Bhardwaj undertakes to deposit Rs. 5,000/- before the Patna High Court Legal Services Committee.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and has submitted that 81 litres of foreign liquor was recovered from the car of the petitioners.

6. Considering the aforesaid submissions of learned counsel as well as undertaking given by the petitioners and taking into account the fact that 81 litres of foreign liquor was not recovered from the conscious possession of the petitioners and they are in custody since 28.03.2025, the petitioners above named, are directed to be released on bail on depositing a sum of Rs. 10,000/- by petitioner no. 1 namely Amar Kumar and Rs. 5,000/- (Five Thousand) by petitioner no. 2 namely Hariom Thakur @ Vivek Kumar Bhardwaj @ Vivek Bhardwaj before the Patna High Court Legal Services Committee and a receipt of the same shall be furnished before the learned court below at the time of furnishing bail bonds. Thereafter, they shall furnish bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, Excise-I, Samastipur in con-



nection with N.H. Bangra P.S. Case No. 34 of 2025, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedents of the petitioners as mentioned above and in case at any stage it is found that the petitioners have concealed their criminal antecedents except as mentioned above, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of



the same or in the name of verification.

(Sourendra Pandey, J)

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