

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15008 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- RAJAOLI District- Nawada

AMIT KUMAR @ BAMBAM @ AMIT KUMAR CHOUDHARY, Male,
aged about 32 years, Son of Upendra Choudhary, Resident of Village-
Manikpur, P.S.- Baruraj, District- Muzaffarpur ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Deepak Kumar, Adv.

For the Opposite Party : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 13-03-2019 Heard the learned counsel for the petitioner and the

learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
06.01.2019 in connection with Rajauli P.S. Case No. 6 of 2019
for the offences alleged under Sections 420, 120(b) and 34 of
the Indian Penal Code and under Sections 30(A) and 41 of the
Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on information that a truck is carrying huge
quantity of liquor, the police intercepted the truck and petitioner
was found to be the driver of the said truck carrying fodder, but,
on search 3546 liters of Indian made foreign liquor was
recovered. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that the petitioner is not a driver, but, a cleaner of the said vehicle and the petitioner was taken to Muzaffarpur and the vehicle has been shown in the seizure list in Rajauli P.S. Case No. 7 of 2019, hence, the allegation against the petitioner is false. He, further, submits that nothing has been recovered from his conscious possession and the petitioner is languishing in judicial custody since more than two months. He, further, submits that he is a poor person and it is not possible that huge quantity of illicit liquor, being carried, belonged to him, who has named other persons.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the materials on record and the period of custody, 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 in connection with Rajauli P.S. Case No. 6 of 2019 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Nawada, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file



an affidavit stating his relationship with the petitioner.

(ii) Petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

