

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.22935 of 2019

Arising Out of PS. Case No.-18 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Sitamarhi

AMIT KUMAR, aged about 27 years, Male, Son of Jitendra Singh Resident
of Village- Bathanaha West, Ward No. 8, P.S.- Bathanaha, District- Sitamarhi
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Birendra Kumar, Adv.
For the Opposite Party : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 12-04-2019 Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

The petitioner seeks bail in connection with G.O.
Case No. 18 of 2019 for the offence alleged under Section
30(A) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the Excise
officials, is that the petitioner was apprehended by the Sashastra
Seema Bal officials near the Indo-Nepal border carrying 108
liters of Nepali Saufi wine. Accordingly, a seizure memo 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
nothing has been recovered from the conscious possession of
the petitioner and due to high handedness of Sashastra Seema
Bal officials, the petitioner has been made accused and is
languishing in judicial custody since 11.03.2019.

However, the learned Additional Public Prosecutor for



the State opposes the prayer for bail.

Considering the nature of allegations and that the petitioner does not bear a criminal antecedent, as stated in paragraph 3 of the present application, 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 G.O. Case No. 18 of 2019 to the satisfaction of the learned Additional District Judge II-cum-Special Judge, Excise, Sitamarhi, or the successor Court 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) 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)

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