

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30474 of 2020**

Arising Out of PS. Case No.-124 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

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Amarjeet Sah, S/O Motilal Sah, R/O Village Nayatola Bhathwa, P.S. Jadopur,
District – Gopalganj. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed by the Stamp Reporter within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Nirmal Kumar Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Vishambharpur P.S. Case No. 124 of 2020 registered for the offences punishable under Section 30(a) of Bihar Prohibition and Excise Act 2016 and Amendment Act 2018.

Learned counsel for the petitioner submits that the petitioner is the owner of the vehicle from which the alleged recovery of illicit liquor has been made. It is submitted that the petitioner has been falsely implicated in this case at the behest of his enemies and he is in jail since 18.08.2020 having no



criminal antecedent.

Learned APP for the state has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is alleged that 30 liters of illicit liquor has been recovered from the motorcycle which belongs to this petitioner but the petitioner is in jail since 18.08.2020, he has otherwise no criminal antecedent, investigation against him is complete and there is no submission on behalf of the State that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge 2nd -cum-Special Judge, Excise, Gopalganj in connection with Vishambharpur P.S. Case No. 124 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, oft



he commission of which he is suspected, and

(c) that such person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

