

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33823 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- VAISHALI District- Vaishali

AMRESH KUMAR Son of Ram Naresh Ray Resident of Village - Salempur,
P.S.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh

For the Opposite Party/s : Mr. Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-12-2021 Heard Mr. Sunil Kumar Singh, learned counsel for the

petitioner and Mr. Sanjay Kumar Singh, learned Additional

Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Vaishali P.S. Case No. 17 of 2021 registered for the offence
under Section 30 (a), 41 (1), 33, 34, 36 of the Bihar Prohibition
and Excise Act, 2016.

Allegation in nutshell is that Police got secret
information that consignment of illegal spirit is being carried on
a car by a person wanted in connection with several cases of
excise and upon the said information Police intercepted a car
from which the petitioner and one accused namely, Chandan
Kumar Chaudhary alighted and started fleeing away, however
they were arrested and upon search 70 liters of illicit spirit has



been recovered from the said car.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case by the Police. He further submits that 58 persons have been made accused, who are allegedly the accomplice of the petitioner. He further submits that petitioner is in custody since 14-01-2021 and similarly situated co-accused / Chandan Kumar Chaudhary has been granted bail by this Court in Cr. Misc. No. 32579 of 2021.

Regard being had to the submissions made by the parties and taking into consideration the materials available on record, the fact that petitioner has criminal antecedent, he was arrested on the spot and nine cases of similar offence under the Excise Act are pending against the petitioner as such parity claim by the petitioner is not sustainable and this Court is not inclined to grant bail to the petitioner at this stage.

The prayer for grant of bail is rejected.

However, the petitioner may renew his prayer for bail after six months if the trial does not show any progress.

praful/-

(Anil Kumar Sinha, J)

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