

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39534 of 2020

Arising Out of PS. Case No.-486 Year-2020 Thana- SIKARPUR District- West Champaran

Amit Kumar, S/O Dharmdev Prasad @ Dharmdev Sah @ Dharamdev Sah,
R/O Shivganj, Near Shiv Mandir, Ward No. 7, P.S. - Shikarpur, District - West
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-02-2021 Heard learned Counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with
Shikarpur P.S. Case No.486 of 2020 registered for the offence
punishable under Section 414 of the Indian Penal Code and
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner is in custody since 12.09.2020 for
alleged recovery of 2.16 litres of liquor from his possession
while he was moving on a motorcycle. The petitioner's
statement has allegedly led to recovery of 174.960 litres of
liquor from the premises where he was residing on rent.

Petitioner's counsel submits that, in fact, the landlord
was responsible for the recovery of 174.960 litres of liquor and



on extraneous considerations in collusion with the police, the petitioner has been unnecessarily dragged in this false case. He has no criminal antecedent and that there is no tangible material to suggest that the recovered substance is intoxicant.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shree Pawan Kumar Pandey, learned Special Judge, Excise, Bettiah, West Champaran, in connection with Shikarpur P.S. Case No.486 of 2020, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates,



his bail bond will be liable to be
cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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