

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7818 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- BAHERI District- Darbhanga

AMRESH SAH SON OF UPENDRA SAH ALIAS OPENDRA SAH
RESIDENT OF VILLAGE-DEKARI, POST-JAHAGIRPUR, KOTHIYA,
P.S- KHANPUR DISTT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Naresh Ray, Advocate

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-04-2021 Heard Mr. Ram Naresh Ray, learned counsel for the

petitioner and Ms. Sucheta Yadav, learned APP for the State

through video conferencing.

Petitioner seeks regular bail in connection with Baheri
P.S. Case No.230 of 2020 arising out of G.O. Case No.989 of
2020 registered for the offence under Sections 30(a) and 41 of
the Bihar Prohibition and Excise Act, 2016.

The allegation as per the First Information Report is
that the police parties saw a pick-up van in front of one
departmental shop and 5-6 persons were standing on the other
side of the road near one Wagon-R car. The police also saw a
car which was standing there and some people upon seeing the
police party, started fleeing away but one person Amarjit



Mandal @ Machchhar Singh was arrested. The police recovered total quantity of 33.74 liters of illicit liquor from different vehicles.

Learned counsel submits that the name of the petitioner has been disclosed by Amarjeet Mandal @ Machchhar Singh stating therein that the petitioner is a trader of illicit liquor. Learned counsel further submits that the petitioner has falsely been implicated by the police on the basis of disclosure of his name by the arrested co-accused. Learned counsel next submits that the petitioner is not the owner of the vehicle from where illicit liquor has been recovered and no illicit liquor has been recovered from his conscious possession or from the vehicles belonging to him. Learned counsel next submits that co-accused Daya Shankar Yadav has been granted bail by this Court in Cr.Misc.No.2624 of 2021. Learned counsel next submits that the petitioner is in custody since 23.09.2020 having no criminal antecedent.

Having regard to the submissions made by the parties and material available on record and the fact that no illicit liquor has been recovered from conscious possession of the petitioner or from the vehicle belonging to him, petitioner is in custody since 23.09.2020, charge-sheet has already been



submitted and similarly situated co-accused person, namely, Daya Shankar Yadav has been granted bail by this Court, I am inclined to grant bail to the petitioner.

Accordingly, let the above named petitioner 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 learned 2nd Additional Sessions Judge-cum-Special Judge (Excise Act), Darbhanga in connection with Baheri P.S.Case No.230 of 2020 arising out of G.O. Case No.989 of 2020.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

Brajesh Kr./-

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