

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4041 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- BUDDHACOLONY District- Patna

AMIT KUMAR @ AMIT RAI @ BALRAM RAY, Son of Sri Dilip Kumar
Resident of Mohalla- Chakaram Devi Sthan, Police Station- Buddha Colony,
District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nirmal Kumar

For the Opposite Party/s : Mr. Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 27-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Buddha
Colony P.S. Case No. 177 of 2021, registered for the
offences punishable under Section 30(a) of Bihar Excise and
Prohibition Amendment Act, 2016.

As per allegation, 25 litres of country made liquor,
kept in plastic sack, has been recovered from possession of
one Baliram Ram.

The learned counsel for the petitioner submits that
the petitioner is innocent and has falsely been implicated in
this case. He further submits that search and seizure has not



been made as per rules as provided by Cr.P.C. He also submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has been languishing in jail for more than one year i.e. since 11.06.2021

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in earlier seven more cases namely, Maner P.S. Case No. 210 of 2017; Barachatti P.S. Case No. 62 of 2018; Buddha Colony P.S. Case No. 59 of 2021; Arwal P.S. Case No. 208 of 2021; Buddha Colony P.S. Case No. 178 of 2021; Buddha Colony P.S. Case No. 113 of 2021; and Buddha Colony P.S. Case No. 367 of 2017.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on



bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Patna District – Patna, in connection with Buddha Colony P.S. Case No. 117 of 2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting



satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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