

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11767 of 2022

Arising Out of PS. Case No.-563 Year-2021 Thana- BIDUPUR District- Vaishali

=====

AMIT KUMAR Son of Pravin Ray Resident of Village- Chechar, P.S.-
Bidupur, District- Vaishali, State- Bihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha

For the Opposite Party/s : Mr.A.G.

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 08-07-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bidupur P.S. Case No. 563 of 2021 registered for the offences
punishable under 414 of the Indian Penal Code and under
Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, present petitioner namely
Amit Kumar was carrying country made Chulai liquor on a
motorcycle. On search total 55 Lt. Chulai liquor was recovered
from the jute bag.

Learned counsel for the petitioner submits that
petitioner is in custody since 18.11.2021. Petitioner bears no



criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. Learned counsel for the petitioner further submits that petitioner was apprehended on spot on 16.11.2021 but he was produced before appropriate authority on 18.11.2021. There is inordinate delay for producing the said petitioner. In this way the action of the police is in question and seizure list has not been made as per law. The counsel further submits that the petitioner has falsely been implicated in the said case as the action of police is in question.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioner, charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No. 1-cum-Additional District & Sessions Judge, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 563 of 2021, subject to



following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

amitkr/-

U			
---	--	--	--

