

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17485 of 2022

Arising Out of PS. Case No.-237 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

AMARNATH SAH S/o Mahendra Sah Residence of Vill/ Mohalla- Bhalpatti,
P.S.- Sadar (Bhalpatti O.P.), Distt- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Mohania P.S. Case No. 237 of 2021 registered for the alleged offences under Sections 467, 468, 471 and 420 of the Indian Penal Code and under Sections 30(a), 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016 (as amended).

The prosecution story is that during routine checking, a suspiciously moving truck was stopped and searched. About 3777.48 liters of India made foreign liquor was recovered and co-accused persons, driver and co-driver were apprehended who



named other co-accused person Kuldeep Bhardwaj who had sent the consignment. During the investigation, the name of the petitioner came up as also being involved in this illicit trade.

Learned counsel for the petitioner submits that the petitioner is innocent. He has not been arrested from the spot and nothing has been recovered from his conscious possession. He is implicated in this case only on the ground that the co-accused Kuldeep Bhardwaj allegedly talked to him on mobile phone but the mobile number in question does not belong to this petitioner. Police has been trying to falsely implicated him in a case of this type and he was even dragged in a case of murder as well but after representation made by this petitioner, he was absolved of the charge and the police personnel of local police station were suspended. The petitioner has no concern with the vehicle or consignment being carried by the said vehicle. There is no allegation of any specific overt act of the alleged offence against the petitioner. Charge sheet has been submitted in this case and petitioner is in custody since 25.08.2021. Other co-accused persons who were apprehended from the spot have been granted bail by a Coordinate Bench vide order dated 10.12.2021 passed in Cr. Misc. No. 45426 of 2021.

Learned APP for the State opposes the prayer for bail



of the petitioner submitting that the petitioner is involved in illicit trade of liquor and he is also having criminal antecedent. He is a habitual offender.

Having regard to the submission made hereinabove and further considering the fact that the petitioner has not been arrested from the spot and no substantive evidence came out against this petitioner for his involvement in trade of liquor and further considering the fact that the charge sheet has been submitted and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge -Cum-Special Judge (Excise Act), Kaimur at Bhabhua in connection with Mohania P.S. Case No. 237 of 2021, subject to the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present



on each and every date fixed by the court below.

(iv) The petitioner will not indulge in similar type of offences in future.

(v) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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