

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19159 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- GARDANIBAG District- Patna

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Amit Kumar, Son of Rajendra Mahto, R/O - Parsauni, P.S.- Dumri, District-
Bagaha, East Champaran, At Present residing Sadhna Puri in house of Dhiraj
Singh, C Block, P.S.- Gardanibagh, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-07-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

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 Garbanibagh P.S. Case No. 09 of 2022
registered for the alleged offences under Sections 30
(a)/34/36/37 (b) (c) of Bihar Prohibition and Excise Act.

The prosecution case is that an information was
received about the co-accused persons storing illicit liquor in a
vehicle and when a raid was conducted, three persons tried to
escape from there and two of them made good their escape



whereas, this petitioner was apprehended and total 159.375 liters of India made foreign liquor as well as country made liquor was recovered from the vehicle.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He is neither the owner of the said vehicle nor the driver. At most, he is said to be the purchaser of liquor for self consumption. Moreover, no incriminating articles has been recovered from his possession. The charge sheet has been submitted in this case and the petitioner is in custody since 09.01.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is having clean antecedent, the charge sheet has been submitted and the petitioner is in custody since 09.01.2022, 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 Special Judge, Excise, Patna, in connection with Gardanibagh P.S. Case No. 09 of 2022, subject to the following conditions :

(i) One bailor will be the deponent, who has



sworn the affidavit, and another bailor will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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