

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20866 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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AMARNATH @ AMARNATH SAH Son of Chutkulanand Resident of
Village - Telhatta Bazar, Ward No.1, P.s.- Siwan Town, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh
For the Opposite Party/s : Mr.Ramesh Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-07-2022 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 Excise

P.S. Case No. 56 of 2022 registered for the offences punishable

under Sections 30(a) Bihar Prohibition and Excise Act, 2016.

As per prosecution case, total 518.20 litres illicit

country made liquor and 278.28 litres IMFL was recovered from

the house of co-accused Sonu Kumar alias Rockey and

accusation against the petitioner is that petitioner was standing

near the place of occurrence for purchase of liquor.

Learned counsel for the petitioner submits that



petitioner is in custody since 26.02.2022. Petitioner bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that nothing has been recovered from the possession of the petitioner. Seizure list has not been made in accordance with law and there is violation of Section 100(6) of Cr.P.C. No incriminating article has been recovered from the conscious possession of the petitioner and petitioner has no concern with co-accused Sonu Kumar.

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, keeping in view clean antecedent of the petitioner, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, 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 Excise Court No. - II, Siwan in connection with Excise P.S. Case No. 56 of 2022, 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 without appropriate permission 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)

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