

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21071 of 2022

Arising Out of PS. Case No.-208 Year-2021 Thana- ARWAL District- Jehanabad

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Amit Kumar @ Balram, S/o Late Dilip Kumar @ Dilip Ray, R/o Mohalla-
Chakaram, P.S.- Budha Colony, District- Patna ... Petitioner/s

Versus

The State of Bihar ... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nirmal Kumar, Advocate

For the Opposite Party/s : Mrs. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-07-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

Heard Mr. Nirmal Kumar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Arwal P.S. Case No. 208 of 2021 registered for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police on
a secret information intercepted an Ambulance and on search
being made total 943 litres of country made foreign liquor was
recovered. It is further alleged that on interrogation, the driver
of the Ambulance disclosed the name of the consigners, who
were also apprehended by the police, later on.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the name of the petitioner has been disclosed by co-accused Shailesh Kumar, who is allegedly stated that the petitioner is involved in trade of illicit liquor. It is further submitted that on the alleged date of occurrence, the petitioner was behind the bar in connection with Arwal P.S. case no. 208 of 2021 and in fact nothing has been recovered from the conscious or constructive possession of the petitioner. It is next submitted that only on account of past criminal antecedent of the petitioner, his name has been implicated in the present case and there is no other material, which suggests the complicity of the petitioner in the present crime. It is lastly submitted that this petitioner is in custody since 11.06.2021 in connection with Budha Colony P.S. Case No. 113 of 2021 and thereafter he has been remanded in the present case on 21.09.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is multiple criminal antecedent of the petitioner and by the impugned order, the trial court has been directed to conclude the trial within six months after submission of charge-sheet.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that in spite of specific direction of the court below, the trial has not been



concluded and moreover nothing has been recovered from the conscious or constructive possession of the petitioner and save and except the disclosure made by the co-accused person, there is no other material, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Jehanabad in connection with Arwal P.S. Case No. 208 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the



court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

It is expected that the learned trial court will take all necessary steps to ensure conclusion of the trial, as early as possible.

(Harish Kumar, J)

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