

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23385 of 2022

Arising Out of PS. Case No.-153 Year-2021 Thana- JAMHOR District- Aurangabad

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Amit Kumar Singh @ Amit Kumar Son Of Late Diwaker Singh R/O Village-
Badwil Tola, Dhikudi, P.S.- Galudih, District- East Singhbhum, Jamshedpur
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Mukul Kumari, Advocate.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-07-2022 Learned counsel for the petitioner is permitted to

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

period of four weeks from today.

Heard Ms. Mukul Kumari, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Jamhore P. S. Case No. 153 of 2021
giving rise to G.R. No. 1365 of 2021 registered for the offences
punishable under Sections 30 (a), 30(c) and 33 of the Bihar
Prohibition and Excise Act, 2018.

As per the prosecution case, it is alleged that the



Police, on a secret information, intercepted a Bolero Pick-Up Van and apprehended two persons including this petitioner. It is further alleged that on search being made 1800 litres spirit was recovered.

Learned counsel appearing on behalf of the petitioner submitted that though the petitioner was found sitting in the said Bolero vehicle, in question, which was seized by the Police but neither the said vehicle nor the recovered spirit belongs to the petitioner. It is further submitted that the petitioner was one of the commuter sitting in the said vehicle and he was even not aware as to what was loaded in it. It is next submitted that the petitioner is in custody since 03.10.2021, having clean antecedent. It is subsequently submitted by the learned counsel for the petitioner that due to inadvertence, it appears that in the impugned order, the petitioner is shown to be in custody since 03.10.2022, which is an error of the record as the present F.I.R. has been instituted on 02.10.2021 itself. It is lastly submitted that the co-accused person, who was also apprehended by the Police, namely, Md. Meraj Alam has already been granted bail by this Hon'ble Court in Cr. Misc. No. 69099 of 2021 vide order dated 08.06.2022.

On the other hand, learned APP for the State



opposes the bail application and submits that the petitioner was arrested at the spot along with huge quantity of spirit.

Having considered the submissions made on behalf of the parties and taking into account the fact that the co-accused person having identical allegation has already been granted bail by this Hon'ble Court and moreover, this petitioner is in custody since 03.10.2021, having clean antecedent, apart from that after completion of the investigation, the charge-sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise), Aurangabad in connection with Jamhore P. S. Case No. 153 of 2021 giving rise to G.R. No. 1365 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.

(Harish Kumar, J)

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