

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24104 of 2022

Arising Out of PS. Case No.-40 Year-2022 Thana- AGAMKUAN District- Patna

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Amit Kumar Sinha @ Rinku Sinha, S/O Yogendra Prasad Sinha, R/o
Muhalla- Chowkshikarpur, P.S.- Chowk, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-08-2022 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 Agamkuan P.S. Case No. 40 of 2022 registered for the alleged offences under Sections 30(a), 30(c), 32, 33, 34, 36 and 41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, police received secret information about storage of spirit in a transport company. A raid was conducted and 880 litres of spirit was recovered and four co-accused persons were apprehended from the spot. It also transpired that the petitioner was working as Manager in the



transport company and was involved in the storage of spirit.

The learned counsel for the petitioner submits that the petitioner works as the marketing officer of the transport company at Parsuram Roadways and used to collect money from the market. The petitioner never dealt with illicit spirit. It is apparent from the FIR that nothing has been recovered from his conscious possession or from the premises of this petitioner. He has been named in this case merely on suspicion. The petitioner has no concern with the goods being transported. Other co-accused person, who have been arrested from the spot, have been granted bail vide order dated 09.06.2022 passed in Cr. Misc. No. 9335 of 2022. The petitioner is in custody since 04.03.2022. Charge-sheet has been submitted and the petitioner has got no criminal antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner has been working as Manager in the transport company and has knowledge about the goods which were being received, loaded and unloaded at the transport office.

Having regard to the submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner, who was not apprehended from the spot and further considering the submission of the charge-sheet



as well as period of his custody, 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 City in connection with Agamkuan P.S. Case No. 40 of 2022, subject to the other conditions under Section 437(3) of the Cr.P.C. and following conditions:

- (i) One of the bailors will be Shailendra Kumar, elder brother of the petitioner, who has sworn the affidavit.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) The petitioner will not indulge in similar type of offences in future.
- (iv) 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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