

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23535 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MITHANPURA District- Muzaffarpur

AMIT KUMAR S/o Rameshwar Chaudhary R/o village- Harlochanpur, P.S.-
Patepur, District- Vaishali, at present renter of Anuj Rai, House , Mohalla-
Bibiganj Nanduri, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Mithanpura P.S. Case No. 11 of 2022 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code and Sections 30(a), 32(ii), 41(i) of the Bihar Prohibition and Excise Amendment Act, 2018 and Sections 25(1-b)a, 26/35 of the Arms Act.

As per prosecution case, the recovery of one loaded country made pistol and one live cartridge was made from this petitioner and 100 ml India made foreign liquor was also stated to



be recovered from his flat. Other co-accused persons with fire arm and ammunition were also apprehended when a raid was conducted on his flat on receiving information about a meeting of the petitioner and other co-accused persons regarding illicit trade of liquor.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his conscious possession. The petitioner runs a cloth shop and owns the car which was seized from this apartment. The recovery has been made in contravention to the provisions of the Section 100 of the Cr. P.C. regarding search and seizure. The petitioner has nothing to do with the alleged trade of liquor and merely 100 ml of liquor is stated to be recovered from him. Charge sheet has been submitted in this case and the petitioner is in custody since 14.01.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and was caught red handed with country made pistol and live cartridge and some illicit liquor.

Having regard to the submissions made hereinabove and considering the submission of charge sheet as well as period of custody of the petitioner, 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 Additional District and Sessions Judge -Ist-cum- Special Judge Excise, Muzaffarpur in connection with Mithanpura P.S. Case No. 11 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (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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