

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24403 of 2022**

Arising Out of PS. Case No.-42 Year-2020 Thana- MOTIPUR District- Muzaffarpur

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Amarjeet Kumar @ Mithu Son Of Lalu Rai R/O Village- Pana Chhapra, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 353, 120(B) of the Indian

Penal Code and Sections 30(a), 41 (1)(2) of the Bihar Prohibition

and Excise Act, 2016.

Recovery is of 36 litres of illicit liquor.

Learned counsel for the petitioner submits that the

petitioner has been falsely implicated in the present case. He

further submits that it appears from the F.I.R. that the petitioner

was not apprehended at the spot and nothing has been recovered



from the conscious possession of the petitioner rather the recovery has been made from the house of the accused Parmeshwar Rai. He further submits that similarly situated co-accused Ranjeet Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 09.03.2021 in Cr. Misc. No. 327 of 2021 and the petitioner is in custody since 29.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Motipur P.S. Case No. 42 of 2020, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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