

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26962 of 2022

Arising Out of PS. Case No.-516 Year-2021 Thana- DARIYAPUR District- Saran

Amit Kumar Son of Sachida Nand Singh Resident of Village - Sitalpur Kothi,
P.S. - Dariyapur, District - Saran, (Chhapra).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 29-07-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State
through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Dariyapur, P.S. Case No. 516 of 2021 registered for the offence
under Sections 30, 30(a), 33 of the Bihar Excise Amendment
Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.03.2022.

The allegation against the petitioner is to be engaged
in illegal trade/manufacturing of illicit liquor, where, there is
recovery of 117 litres IMFL from the poultry farm and 353 litres
IMFL from the house of the other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner surfaced on the basis of disclosure made by the co-accused, namely, Sachidanand Singh, father of the petitioner, who already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 13314 of 2022. It is further submitted that the alleged place of recovery belongs to father of the petitioner, who is also the co-accused and it cannot be said that the recovery of illicit liquor was made from the conscious physical possession of the petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that recovery is made from the poultry farm of the co-accused, which belongs to father of the petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor has not been made from the conscious physical possession of the petitioner coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection



with Dariyapur P.S. Case No. 516 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Learned-1st Exclusive Special Judge, Excise Saran at Chhapra/concerned court, subject to the following conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Ranjay Singh, who is the Bahnoi of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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