

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27430 of 2022

Arising Out of PS. Case No.-115 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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AMIT KUMAR Son of Udit Mahaseth @ Udit Narayan Mahaseth Resident of
Village - Chatauna Narayanpur Ward No.2 (Chhatauna), P.S.- Piprahi, Distt.-
Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rita Verma, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-08-2022 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 Mr. Uday Kumar, 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 C2- 115 of 2022 registered for the
offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, it is alleged that in
course of vehicle checking, the Police apprehended a Bolero



Pick-Up Van and on search, 468 litres Nepali Saufi liquor was recovered. It is further alleged that the petitioner was apprehended while he was sitting beside the driver.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner has neither any concern with the vehicle in question nor with the alleged recovered wine. It is next submitted that on the fateful day, the petitioner had taken lift on the said vehicle and in the meantime, he was apprehended by the Police. It is also submitted that the petitioner is a man of fair antecedent and he is in custody since 21.03.2022 and moreover, after conclusion of the investigation, the charge sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner was apprehended while he was sitting in the said vehicle from where the recovery has been made.

Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is in custody since 21.03.2022, having fair antecedent in as much as he has neither any concern with the alleged vehicle nor with the recovered illicit wine, 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 Exclusive Excise Court 2nd Sitamarhi, District- Sitamarhi in connection with C2- 115/2022, 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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