

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27115 of 2022**

Arising Out of PS. Case No.-89 Year-2019 Thana- LALGANJ District- Vaishali

Amresh Kumar @ Amresh Rai Son of Ram Naresh Rai Resident of Village -
Salempur, P.S.- Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 06-08-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Lalganj P.S. Case No.89/2019 instituted under Section
30(a),32(2),41(1) of the Bihar Prohibition and Excise Act, 2016.

As per the FIR, the A.S.I., Devnath Sah of Lalganj Police
station gave a written application before S.H.O., Lalganj on
07.03.2019 stating therein *inter-alia* that on 06.03.2019 at about 10
PM, he along with other police personnel were on a patrolling duty
when they saw that a vehicle coming but then tried to speed away on
seeing police personnel. So on suspicion, it was chased and stopped
at 'Bajrang Chowk' and upon enquiry with the driver of the vehicle
namely Tej Pratap Rai @ Pavan @ Budhwa and on search of said
Bolero vehicle, total 71.625 liters of foreign liquor kept in cartons



were recovered/seized. He further disclosed the name of owner of that vehicle as Amresh Rai (petitioner) of Salempur and further information that he was directed by him to hand over that liquor to one Randhir Rai of village Gurmiya. Accordingly, FIR instituted/seizure list prepared and a copy of that was handed over to him and he was taken into custody.

Learned counsel for the petitioner submits that the alleged recovery of 71.625 liters of Indian made foreign liquor was attributed to one Tej Pratap Roy who was driving the four wheeler. This petitioner has been implicated only because he is owner of the said Bolero who had absolutely no knowledge of what the driver is carrying in the vehicle. For the said allegation, he is in custody since 31.03.2022 (as stated in para-13 of the bail application).

Taking into account the aforesaid facts that the petitioner owns the vehicle and was not present when the said vehicle was intercepted and the liquor was recovered/seized, is in custody since 31.03.2022 and the charge sheet stands submitted, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Lalganj P.S. Case No.89/2019 to the satisfaction of learned Exclusive Special Excise Court No.1, Vaishali, subject to following conditions:

(i) one of the bailor should be the family member of the



petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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