

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27529 of 2022

Arising Out of PS. Case No.-99 Year-2022 Thana- AMNAUR District- Saran

Niraj Kumar, S/o Mohan Rai R/o village- Monorpur, P.S.- Amnour, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Krishna Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, 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 Amnour P.S. Case No.99 of 2022 instituted under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of Bihar Prohibition Excise Act, 2016.

The prosecution case in short is that, the S.H.O. of Amnour P.S. during course of raid recovered 415 liters of illicit liquor from the house of the petitioner. Accordingly, seizure list was prepared and the FIR instituted.

As per the contention of the learned counsel for the petitioner, 415 liters of the illicit liquor alleged to have been



recovered/seized from the house of the petitioner which according to him is a common house and as such the said recovery/seizure cannot be attributed to him. He further submits that he is in custody since 14.04.2022 (as per para-10 of the bail application).

Considering the aforesaid fact that the recovery/seizure from a common house, the petitioner is in custody since 14.04.2022 and 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 Amnour P.S. Case No.99 of 2022 to the satisfaction of learned Additional Chief Judicial Magistrate,I, Saran at Chapra, 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/her 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/her 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/her bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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