

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29512 of 2022**

Arising Out of PS. Case No.-99 Year-2019 Thana- VAISHALI District- Vaishali

Amresh Kumar son of Ram Naresh Rai, resident of village Salempur, P.S-
Lalganj, Dist- Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 24-08-2022 Let the defects, if any, be removed within four
weeks from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in
connection with Vaishali P.S. Case No. 99 of 2019 for the
offences punishable under Sections 30(a), 32(2), 41(1) of
the Bihar Excise (Prohibition) Amendment Act.

As per the prosecution case, it is alleged that the
police on secret information intercepted a truck, other
vehicles and motorcycle and on search total 3766.680 liters
Indian made foreign liquor was recovered from all the
vehicles. It is also alleged that the police also apprehended



three persons namely, Ram Uday Prakash, Maksud and Santosh Kumar Yadav and the apprehended persons disclosed the name of their associates including the petitioner.

Learned counsel for the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating article has been recovered from person and possession of the petitioner. Moreover, apprehended person, who disclosed the name of the petitioner and others have been granted bail by this Hon'ble Court in Cr. Misc. No. 26166 of 2019. It is next submitted that various other accused persons having identical allegation have also been granted bail by different Benches of this Court. It is lastly submitted that only because of the past criminal antecedent, the name of the petitioner has been implicated in this case.

On the other hand, learned counsel for the State opposed the bail application and submits that the petitioner has found involved in ten other cases.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner was neither arrested at the spot nor any incriminating material



has been recovered from persons or possession. Moreover, other co-accused persons having similar allegation have already been granted bail by co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise,-II, Vaishali in connection with Vaishali P.S.Case No. 99 of 2019 subject to the condition that one of the bailors will be the close relatives 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.

(v) 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 cancelling 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.

(Harish Kumar, J)

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