

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39665 of 2021

Arising Out of PS. Case No.-147 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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AMARJIT KUMAR @ AMARJEET KUMAR Son of Late Fuleshwar Manjhi
Resident of Village - Mabbi, Shahbazpur, Postal Training Centre, P.S.- Sadar,
District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, A.P.P

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

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

The petitioner, who is in custody since 23.05.2021,
seeks bail in connection with Excise Case No. 147 of 2021, for
the offence punishable under Section 30(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

The prosecution case, in brief, is that altogether
198.720 litres of Indian Made Foreign Liquor was recovered
behind the middle seat and from back side of the vehicle bearing
registration No. BR-07PA-9048.

Learned counsel appearing on behalf of the



petitioner submits that petitioner has got clean antecedent and he has falsely been implicated in this case. He further submits that nothing has been recovered from the physical possession of the petitioner. He further submits that petitioner is not the owner of the vehicle. He further submits that the owner of the vehicle deceived the petitioner on the pretext that some other articles are loaded on the said vehicle.

Learned A.P.P. for the State, however, opposes the prayer for grant of bail to the petitioner with submission that huge quantity of illicit liquor has been recovered and as such the petitioner does not deserve to be released on bail.

Considering the aforesaid facts and circumstances of the case, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 2,00,000/- (Rs. Two Lakh) with two sureties of the like amount each to the satisfaction of the learned A.D.J-II-cum-Special Judge, Excise, Gopalganj in connection with Excise Case No. 147 of 2021. One surety must be the wife of the owner of the aforesaid vehicle bearing registration No. BR-07PA-9048, if the wife of the owner of the vehicle refuses to become bailor on behalf of the petitioner, the Court below shall take appropriate legal action against the wife of the owner of the said vehicle and in that circumstances, this Court directs that



any local respectable person shall execute bond for release of the petitioner, subject to the following further conditions:-

(1) Bailors should have sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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