

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41892 of 2021

Arising Out of PS. Case No.-22 Year-2021 Thana- PURNAHYA District- Sheohar

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AMIT KUMAR Son of Mahendra Das Resident of Village - Barahi Mohan,
P.S. - Purnahiya, District - Sheohar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar, Advocate.

For the Opposite Party/s : Mr. Ajit Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 31-01-2022 Heard the parties through video conferencing.

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

The petitioner, who is in custody since 08.02.2021, seeks regular bail in connection with Purnahiya P.S. Case No. 22 of 2021 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that altogether 16.2 litres of Nepali saufi illicit wine was recovered from the motorcycle which was driven by the petitioner. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been



implicated in this case. He further submits that nothing has been recovered from the possession of the petitioner. Petitioner has clean antecedent and he is in custody since 08.02.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that even though the petitioner has clean antecedent, he does not deserve to be released on bail.

Considering the aforementioned facts and circumstances of the case, the court below is directed to verify the criminal antecedent of the petitioner and if no case prior to the present case is found pending against the petitioner as stated in the Para-3 of the present bail application, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II cum Special Judge, Excise, Sheohar in connection with Purnahiya P.S. Case No. 22 of 2021, subject to the following conditions:-

(1) Bailors should be local having 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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