

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34239 of 2022

Arising Out of PS. Case No.-150 Year-2021 Thana- SONEPUR District- Saran

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AMARNATH KUMAR @ AMARNATH SINGH @ AMARNATH KUMAR
SINGH @ AMARNATH K. SINGH Son of Ashok Singh @ Ashok Kumar
Singh Resident of Village- Baijalpur Kesho, Police Station- Sonepur, District
- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh

For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Sonepur
P.S. Case No. 150/2021 registered for the offences punishable
under Sections 30(a)/38/40(i)/37(b)(c) of the Bihar Prohibition
and Excise Act, 2016.

As per prosecution case, there is alleged recovery of
total 5066.640 liters English wine from truck, scooty and
motorcycle in question. The petitioner and others were not
apprehended on the spot. The name of petitioner and others
sprang up in this case on the basis of confessional statement of



co-accused, Abhishek Kumar, Mukesh Kumar Singh and Amit Kumar Mishra.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics and his criminal antecedent. The petitioner was not apprehended on the spot and nothing has been recovered from the conscious possession of the petitioner. The name of petitioner sprang up in this case on the basis of confessional statement of co-accused, Abhishek Kumar, Mukesh Kumar Singh and Amit Kumar Mishra. He further submits that the petitioner was neither owner of the seized vehicles nor concerned with the seized illicit liquor. Seizure list has not been prepared as per law. The petitioner is languishing in custody since 19.05.2022 and bears criminal antecedent of four cases of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner was not apprehended on the spot, charge sheet has already been submitted and also taking into



consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned 2nd Exclusive Special Excise Court, Saran at Chapra in connection with Sonapur P.S. Case No. 150/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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