

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37573 of 2022

Arising Out of PS. Case No.-336 Year-2022 Thana- CHAPRA MUFFASIL District- Saran

Amritveer Singh Son Of Kulwant Singh @ Sardar Kulwant Singh Resident
Of House No. 154, Sansara Kala, P.S.- Jhander, District- Amritsar, Punjab

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Ms.Sharda Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Chapra Mufassil P.S. Case No. 336 of 2022 registered for the alleged offences under Sections 272, 273, 419, 420, 467, 468, 471 and 34 of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36, and 41 of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, 3942.720 liters of India made foreign liquor was recovered from a truck which was intercepted by the police on getting information that the said



truck was carrying consignment of illicit liquor. The petitioner and co-accused were apprehended from a truck and the petitioner is stated to be the driver of the truck.

Learned counsel for the petitioner submits that the petitioner is merely a driver and he has been falsely implicated in this case. He was not aware about the illicit foreign liquor which was loaded on his truck. The recovered illicit liquor was kept beneath the bags of chemicals and Benzoic acid. The petitioner was having knowledge about the loaded chemicals but he has no idea about liquor kept hidden under the bags of chemicals. So, the illicit liquor was being transported in the knowledge of the owner of the said truck and this petitioner has got no concern with it. The preparation of seizure list has not been made in accordance with provisions of law. Charge sheet has been submitted in this case and the petitioner is in custody since 06.05.2022. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and considering the fact that the petitioner is the driver and the submission of charge sheet along with the clean antecedent of the petitioner, the petitioner above named is directed to be



released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 2nd -cum- 1st Exclusive Special Judge, Excise, Saran at Chapra in connection with Chapra Mufassil P.S. Case No. 336 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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