

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39127 of 2022

Arising Out of PS. Case No.-284 Year-2021 Thana- LALGANJ District- Vaishali

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Amar Singh @ Amarjit Pandey @ Amar Pandey, Son of Late Ram Naresh Pandey @ Ranjeet Singh, Resident of Village- Lakhan Sarai, Bishunpur Basudev, P.S.- Lalganj, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-09-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Pranav Kumar Jha, learned counsel for the petitioner and learned APP for the State through video conferencing.

The petitioner seeks regular bail, who is in custody in connection with Lalganj P.S. Case No. 284 of 2021 registered for the offences punishable under Sections 30 (a), 36(a) and 41(k) of the Bihar Prohibition and Excise Act, 2018.

As per prosecution case, it is alleged that in course of vehicle checking the police intercepted various vehicles and on search total 5727.24 litres of Indian made foreign liquor was recovered. It is further alleged that the apprehended person,



namely, Raj Kumar Mahto disclosed the name of this petitioner and others.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the co-accused Raj Kumar Mahto, there is no material suggesting the complicity of the petitioner. He next submits that only on account of his past criminal antecedent of similar nature of crime, the name of the petitioner has been implicated in this case, which shows the high handedness of the police personnel. He further submits that the other co-accused persons, having identical allegation, have already been granted bail by the different learned coordinate Benches of this Court, the copies of which have been annexed as Annexures- 2 to 5 to this application. He lastly submits that the petitioner is in custody since 29.05.2022 and the investigation of the crime is already completed and charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner was



neither arrested at the spot nor any incriminating material has been recovered and other co-accused persons, having identical allegation, have already been granted bail by the different learned coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Exclusive Special Excise Court No.-1, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 284 of 2021, 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 physically 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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