

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39776 of 2022

Arising Out of PS. Case No.-212 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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Amit Kumar, Son of Ashok Prasad Gupta, Resident of Village- Aamgola, P.S.-
Mithanpura, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, 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. Raju Kumar, 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 Excise Case No. 212 of 2022 (PR NO. 22 of

2022) registered for the offence punishable under Section 30(a)

of the Bihar Prohibition and Excise Act, 2018.

 As per prosecution case, it is alleged that the police

on suspicion apprehended two persons, including the petitioner.

On search, total 57 litres of illicit foreign liquor and one mobile

phone along with some cash were recovered.



Learned counsel appearing on behalf of the petitioner submits that from the F.I.R., it would be evident that the alleged recovery has been made from joint possession of two persons and in fact the petitioner has no concern with the bag from which recovery has been made. He next submits that in fact the bag does belong to the co-accused person, but only on suspicion, his name has been implicated in this case. He next submits that the petitioner, having fair antecedent, is in custody since 02.03.2022 and the investigation of the crime is already completed and the 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 alleged recovery has been made from the joint possession of the two persons, including the petitioner, apart from the petitioner, having fair antecedent, is in custody since 02.03.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.II, Muzaffarpur in connection with Excise Case No. 212 of 2022 (PR No. 22 of 2022) subject to the



condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain 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.

(Harish Kumar, J)

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