

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51027 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- SASARAM NAGAR District- Rohtas

AMIT KUMAR @ CHOTTU SAH S/o- Bishwanath Sah R/o- Bauliya Road,
Prata Ganj, P.S. - Sasaram (Town), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 08-03-2022 Heard the learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Sasaram (Nagar) Darigaon P.S. Case No. 191 of 2021 for the offence punishable under Sections 419 and 420 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The allegation is regarding recovery of 1600 litres of illicit spirit from the premises of an old plant of Isolex company which is alleged to have been taken on lease by the petitioner for running a poultry farm. The petitioner is stated to have been made an accused in the present case on the disclosure made by the co-accused person namely Rahul Kumar.

The learned counsel for the petitioner has submitted that



the petitioner is innocent, he has been falsely implicated in the present case and is languishing in custody since 12.05.2021. It is further submitted that though the petitioner is an accused in eight other criminal cases, however, the same date back to the year 2017-18 and in all the cases the petitioner has been granted bail by the learned court below on account of him having been implicated falsely and merely on suspicion. Lastly, it is submitted by referring to paragraph no. 8 of the present petition that the petitioner has got nothing to do with the plant in question and he had never ever taken the same on lease.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no illicit liquor has been recovered from the conscious possession of the petitioner and moreover he has disputed the ownership of the plant/premises in question apart from the fact that the petitioner is languishing in custody since more than nine months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the petitioner, above named, is directed to



be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge- 2nd-cum-Special Judge, Excise, Rohtas in connection with Sasaram (Nagar) Darigaon P.S. Case No. 191 of 2021.

(Mohit Kumar Shah, J)

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