

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43808 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Amarjit Kumar, Son of Hari Kishore Mahto, R/O Village- Bahurar, P.S.-
Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mazharul Hassan, Advocate
For the Opposite Party/s : Mr. Pradeep Narain Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-10-2022 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. Mzharul Hasan, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sadar P.S. Case No. 280 of 2022 registered for
the offences punishable under Sections 272, 273, 414/34 of the
Indian Penal Code and Sections 30 (a) 41(i) of the Bihar
Prohibition and Excise Act, 2016.

As per prosecution case, it is alleged that the police in
course of patrolling intercepted two vehicles and on search
33.25 litres of Indian made foreign liquor was recovered from



the car, which was being driven by the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner being the driver of the car, which runs on the dictate of its owner, was not even aware as to what was being carried by the owner. He further submits that the petitioner has neither any concern with the car nor with the incriminating material, which was recovered from the said car. The petitioner, having fair antecedent, is in custody since 23.05.2022.

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 being the driver of the car, in question, which runs on the dictate of its owner and further the investigation of the crime is already complete and charge-sheet has been submitted, apart from the petitioner, having fair antecedent, is in custody since 23.05.2022, 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 Exclusive Special Excise Court No.1, Muzaffarpur in connection with Sadar P.S. Case No. 280 of 2022, 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.

(Harish Kumar, J)

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