

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53316 of 2021

Arising Out of PS. Case No.-476 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Amar Kumar @ Amit Kumar S/O- Chandeshwar Sah Resident Of Village-
Kasera Toli, P.S.- Siwan Town, District-Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 13-05-2022 The applicant is accused in Crime No. 476 of 2019 registered with Siwan Muffasil (Mahadeva O.P.) Police Station for the offences punishable under Sections 272, 273, 467, 468, 471, 120B read with Section 34 of the Indian Penal Code as well as Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

According to the prosecution case reflected from the FIR, during the course of routine checking for detecting the illicit liquor, policemen chased a motorcycle. However, the rider of the motorcycle could not be found out by the police.



During the course of that chase, the police found a truck bearing registration No.RJ-11GB 1692 parked at Balua Tola of Ukhai village. During inspection of the truck it was found that it was loaded with 5339.520 liters of illicit liquor. Police seized the illicit liquor as well as the truck and were returning. During the course of return journey, police noticed one man on the road. He who was arrested. He told his name as Sakir Ali Khan. This arrested person then disclosed to the police that the liquor loaded in the truck was meant for the present applicant as well as one Suraj Kharwar. That is how the applicant came to be arrested in the subject crime.

Prima facie it is seen that except the confessional statement of one Sakir Ali Khan who was arrested by police during return journey, there is no evidence worth mentioning against the present applicant. Hence, after conclusion of investigation, further pretrial detention of the applicant is not warranted and, therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 476 of 2019 registered with Siwan Muffasil (Mahadeva O.P.) Police Station be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the



like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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