

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54141 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- BARAUNI District- Begusarai

AMAN KUMAR S/o BALRAM SINGH @ BALI RAM SINGH R/o
VILLAGE-HARPUR TILRATH, P.S-BARAUNI (REFINERY O.P.),
DISTRICT-BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 03.08.2021,
seeks regular bail in connection with Barauni P.S. Case No. 231
of 2020 for the offence punishable under Section 414 of the
Indian Penal Code and Sections 30(a), 41(1)(2) of the Bihar
Prohibition and Excise Act, 2016.

The prosecution case, in brief, is that 1276.5 litres of
foreign liquor was recovered from a truck bearing Registration
No. BR01GA1378 and 1224 litres of foreign liquor was
recovered from a pick up van bearing registration no. BR
09F8369 and one Mohit Kumar was arrested at the place of
recovery, who disclosed the name of his fleeing accomplices as



Keshav Kumar, Aman Kumar (petitioner), Randhir Singh @ Mintu Singh and Banti Singh. Accordingly, seizure-list was prepared.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the alleged recovery of altogether 2500.5 litres of illicit liquor was made from one Mohit Kumar who in his confessional statement has disclosed the name of the petitioner. Secondly, he submits that nothing has been recovered from the conscious possession of the petitioner. Petitioner is in custody since 03.08.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that the alleged two vehicles which were seized have already been confiscated vide order dated 28.12.2021. The said two vehicles belong to one Ranjan Kumar, Son of Ramashray Singh, resident of village – Bariyarpur, P.S.-Balua, Begusarai and the petitioner has no concern with the said vehicles or with the owner of the aforesaid vehicles namely Ranjan Kumar.

Considering the aforementioned facts and circumstances of the case, period of custody of the petitioner, nothing has been recovered from conscious possession of the



petitioner, there is no allegation of tampering with the evidence or influencing the witnesses and there is no chance of completion of trial soon due to Covid-19, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.1,00,000/- (Rupees one lac) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge cum Special Judge, Excise Act, Begusarai in connection with Barauni P.S. Case No. 231 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

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(Purnendu Singh, J)

