

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59118 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- BANGARA District- Samastipur

AMIT KUMAR Son of Shambhu Sah @ Nanhaki Resident of Village -
Gaddopur, P.S.- N. H. Bangara, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 At the outset, the learned counsel for the petitioner seeks to make correction in the provisions of law mentioned in first paragraph of the present petition. The learned counsel for the petitioner is permitted to do so during the course of the day.

Heard the learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with N.H. Bangra P.S. Case No. 61 of 2021, registered for the offence punishable under Sections 272, 273 of the Indian Penal Code read with Section 30(a), 41(1) of the Bihar Prohibition and Excise Act, 2016.

The allegation is regarding recovery of



1140.480 liters of illicit liquor from a truck and a pick-up vehicle. One person, namely, Pankaj Kumar, was arrested from the spot and he is stated to have disclosed the name of the other accused persons including the petitioner to be having complicity in the illicit trade of liquor.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 7.8.2021. The learned counsel for the petitioner has further submitted that neither the petitioner has been arrested from the spot nor the vehicles in question belong to the petitioner nor the illicit liquor has been recovered from the conscious possession of the petitioner, hence, the petitioner is having no complicity in the matter.

Per contra, the learned APP 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 neither any illicit liquor has been recovered from the conscious possession of the petitioner nor the petitioner is the owner of the vehicles in question nor the petitioner has been arrested from the spot, apart from the fact that he is having a clean antecedent, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 Additional Sessions Judge-II-cum-Special Judge (Excise), Samastipur in connection with N.H. Bangara P.S. Case No. 61 of 2021.

(Mohit Kumar Shah, J)

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