

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59838 of 2021

Arising Out of PS. Case No.-224 Year-2021 Thana- GAIGHAT District- Muzaffarpur

AMAR NATH SAH Son of Mahendra Sah Residence of Village - Bhalpatti,
P.S.- Sadar (Bhalpatti O.P.), Distt.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Kedar Jha, Advocate
For the Opposite Party/s :		Ms. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-05-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Gaighat Police Station Case No. 224 of 2021, registered for the offences punishable under Sections 272/273/34 of the Indian Penal Code and Sections 30(a)/36/41(i) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as per the First Information Report, is that the police, after getting secret information that a truck along with one swift Dzire car was parked near the line hotel, in which potato and illicit liquor have been kept and the accused persons were also sitting in the said line hotel, proceeded towards the place of occurrence and upon seeing the



police party, the accused persons, five in number, started fleeing away, however, they were arrested by the police and a total quantity of 2966.4 litres of illicit liquor was recovered from the truck and 86.422 litres of illicit liquor was recovered from the swift Dzire car, parked near the said line hotel.

Learned counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case by the police inasmuch as the petitioner, along with his friends, were sitting in the said line hotel. He further submits that the police on the basis of CDR of mobile has come to the conclusion that co-accused Ramchandra Yadav had transferred money in the account of one Kuldip Sharma of Haryana who happens to be supplier of illicit liquor to the accused persons and said Ramchandra Yadav has been granted bail by this Court in Cr. Misc. 10540 of 2022. He also submits that the petitioner is neither the owner of the truck nor the Swift Dzire Car. He next submits that there is no material against the petitioner to connect him in the present offence except the alleged confession before the Police. The petitioner is in custody since 1.7.2021 and the other co-accused persons who were arrested on the spot, namely, Deepak Kumar and Ajay Kumar have been granted bail by this



Court vide Cr. Misc. Nos.50967 & 52282 of 2021 respectively.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner is in custody since 22.12.2021 and the accused persons who were arrested on the spot have been granted bail by this Court and the charge sheet has already been submitted, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (Excise Act), Muzaffarpur, in connection with Gaighat Police Station Case No. 224 of 2021.

(Anil Kumar Sinha, J)

S.Ali/-

U		T	
---	--	---	--

