

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51603 of 2022

Arising Out of PS. Case No.-179 Year-2020 Thana- BARURAJ District- Muzaffarpur

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AMRESH KUMAR SINGH @ TULU SINGH @ AMRESH KUMAR
MISHRA, Son of Gangadhar Mishra, R/V- Jatauliya, P.S- Baruraj, Dist-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 22-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

At the outset the learned A.P.P. has pointed out that in
the rejection order of the learned trial court, it has been mentioned
that petitioner is having criminal antecedent but the same has not
been mentioned by the petitioner in his petition.

However, learned counsel for the petitioner submits
that he made a mistake and that the petitioner is having a criminal
antecedent which he did not mention in the petition. He will be
filling a supplementary affidavit in this regard.

As prayed, supplementary affidavit be filed within two
weeks.

In the present case, the petitioner seeks bail in connection with Baruraj P.S. Case No. 179 of 2020 registered for the alleged offences under Sections 272 and 273 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, recovery of 183.680 liters of India made foreign liquor was made from a *Nal Jal Tower* on getting information by the police that the petitioner has stored the illicit liquor in the said tower. When the raid was being conducted, the petitioner and other co-accused persons fled away from the spot.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that the petitioner was not apprehended from the spot and nothing incriminating has been recovered from his person or possession. The petitioner has no concern with the alleged place of recovery or the allegedly seized articles. Charge sheet has been submitted in this case and the petitioner is in custody since 27.06.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the

submission of charge sheet along with period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise, Court No. -II, Muzaffarpur in connection with Baruraj P.S. Case No. 179 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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