

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52683 of 2022

Arising Out of PS. Case No.-397 Year-2021 Thana- UJIYARPUR District- Samastipur

Amlesh Kumar @ Sugo @AMLESH Kumar Mehta Son Of Anil Kumar Mehta Resident Of Village- Paroriya, Police Station- Ujiyarpur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 Let the defect(s), if any, be removed within two weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with Ujiyarpur P.S. Case No. 397 of 2021 lodged under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the prosecution case, total recovery of 1200.6 litre foreign liquor has been made, which is the subject matter of the present case.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the alleged recovery was not made from the possession of

the petitioner rather as per the seizure list, it was made from the house of one Shushant Kumar. Counsel submits that there is one antecedent of the petitioner in which he has been granted anticipatory bail and in the present case, he is in custody since 15.07.2022. Counsel submits that petitioner has not been apprehended from the place of occurrence and in the confessional statement of the co-accused, his name has figured. Counsel specifically mentioned that he has moved for anticipatory bail and his anticipatory bail could not be withdrawn and was granted but he was already in custody and due to mis-information, he has persuaded the said case which is Annexure-2.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur, District- Samastipur in connection with Ujiyarpur P.S. Case No. 397 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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