

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57083 of 2022**

Arising Out of PS. Case No.-106 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Amrit Yadav S/o Rampukar Yadav, Resident of Village- Arariya (Ariya), P.S.-
Parbatta (Maraiya), District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

In the present case, the petitioner seeks bail in
connection with Excise Case No. 106C3 of 2022 registered for
the alleged offences under Section 30(a) of Bihar Prohibition
and Excise (Amendment) Act, 2018.

Allegedly, recovery of 951.435 liters of India made
foreign liquor and 36 liters of Codeine Phosphate containing
syrup were made from a hut situated nearby the house of co-
accused persons. The name of the petitioner transpired during
investigation as the person who had been supplying the



contraband to the co-accused persons.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of this petitioner who was not apprehended from the spot. Even the recovery has been shown from the house and *Dalan* of co-accused persons and the petitioner has no concern with them as he is a resident of some other village. The petitioner is not the owner of the hut from which recovery has been made. The learned counsel further submits that co-accused Sikandar Yadav has been granted bail vide order dated 22.06.2021 passed by a Co-ordinate Bench of this Court in Criminal Misc. No. 14504 of 2021 and other co-accused persons, namely, Kapuldev Shankar @ Kapildev Yadav and Subodh Yadav have been granted anticipatory bail vide order dated 30.09.2022 passed by a Co-ordinate Bench of this Court in Criminal Misc. No. 41152 of 2022. The prosecution report has been submitted against the petitioner and he is in custody since 24.07.2022.

Learned APP vehemently opposes the prayer for bail submitting that the petitioner was named for supplying the illicit liquor as well as contraband substance to the co-accused



persons.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner was not apprehended from the spot and no recovery has been made from his possession and further considering the fact that nothing of substance came up against this petitioner during investigation to connect him with the offence as alleged and also period of custody of the petitioner and submission of prosecution report, the petitioner above named is directed to 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 Exclusive Special Judge, Excise Act 2nd, Khagaria in connection with Excise Case No. 106C3 of 2020, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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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