

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64300 of 2021

Arising Out of PS. Case No.-22 Year-2020 Thana- GALGALIYA District- Kishanganj

Amit Ghosh @ Toni S/O Ganesh Ghosh R/o village- Dayaram Jot, P.S.-
Naxalbari, District- Darjeeling (W.B.)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 24-02-2022 The applicant has claimed out of turn hearing on account of marriage of his sister which is to be solemnized on 28.02.2022.

The applicant/accused in Crime No. 22 of 2020 (Spl. Case No. 168 of 2020) registered with Galgalia Police Station for the offences punishable under section 30(a), 41(1) of Bihar Prohibition and Excise Act, 2016.

The learned counsel for the applicant argued that the applicant is merely a power of attorney holder who is authorized to run four wheeler vehicle but he was not aware as to how illicit liquor was found during the course of the journey in that vehicle.

The learned APP opposed the bail application by contending that illicit liquor in huge quantity came to be seized



from the vehicle which was actually operated by the applicant.

I have considered the submissions so advanced and also perused the material placed before me. The investigation of the subject crime is over and charge-sheet has been filed. According to the prosecution case, a four wheeler was stopped for routine check and it was found that it was used for transporting vegetables. 645 liters of Indian Made Foreign Liquor and 132 bottles of beer were found concealed underneath the vegetables loaded in that vehicle. The vehicle was driven by co-accused Sanjeet Sahni and cleaner Bhim Ram. They both were arrested and from their investigation the applicant came to be traced out.

As investigation of the crime in question is over, without commenting on merits of the case, as the applicant is not having any criminal antecedent, he deserves liberty, therefore, the order.

The application is allowed.

The applicant/accused in Crime No. 22 of 2020 (Spl. Case No. 168 of 2020) registered with Galgalia Police Station is directed to be released on bail on executing P.R. Bond of Rs. 20,000/- (Twenty Thousand) on furnishing sureties of the like amount to the satisfaction of the trial court with the following



conditions:-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial in expeditious disposal of the trial against him.

(III) The applicant to remove all office objections forthwith and the Registry to issue certified copy of this order only after removal of office objections by the applicant/accused.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant/applicants in the instant case.

(A. M. Badar, J)

Ravi/-

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

