

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66233 of 2021

Arising Out of PS. Case No.-81 Year-2021 Thana- BANGARA District- Samastipur

AMIT KUMAR S/o- Late Guljari Sah R/o Village- Fatehpur, P.S.-
Mushrigharari, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 31-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with N.H. Bangra P.S. Case No. 81 of 2021 registered under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act.

3041.280 litres illicit liquor was recovered in the process of its unloading. The petitioner along with seven other persons has been arrested as the persons who were fleeing away from the place of recovery.



It is submitted by petitioner's counsel that he was working as a laborer near the place where the recovery has been made and under suspicion, he has been arrested. From the FIR, it is obvious that there is no recovery of any illicit liquor from the petitioner. He has no criminal antecedents. He is in custody since 30.07.2021 and charge-sheet has already been submitted.

Learned APP has opposed the prayer for bail.

Having regard to the submissions, clean antecedents, period of custody, and the fact that the prosecution does not attribute any recovery from the petitioner, this Court is inclined to allow the prayer.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Samastipur in N.H. Bangra P.S. Case No. 81 of 2021, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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