

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66510 of 2021**

Arising Out of PS. Case No.-160 Year-2021 Thana- SULTANGANJ District- Bhagalpur

Munna @ Amar Kumar Yadav @ Amar Kumar Son of Upendra Yadav
Resident of Village- Mirjapur, Ward No. 7, P.S.- Sultanganj, District-
Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Karuna Nath Sahay, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-05-2022 Heard counsel for the parties.

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

The petitioner is an accused in connection with
Sultan ganj P.S. Case No. 160 of the 2021 under section
30(a) of the Bihar Prohibition and Excise (Amendment) Act,
2018.

The allegation in the FIR is that on secret
information that huge quantity of foreign liquor has been
brought on a tempo behind the petitioner's house, the police
raided the place and seized the foreign liquor totalling
49.800 liters that was kept in 138 bottles. The seizure list



was prepared and steps were taken to nab the petitioner as also the driver and owner of the tempo.

The learned counsel for the petitioner submits that merely because the tempo was parked behind the house of the petitioner, it cannot be assumed that the articles belonged to him. He further submits that he is neither the driver nor the owner of the alleged tempo from which the foreign liquor was recovered. He lastly submits that the petitioner is in jail since 30.7.2021(as stated in para-15 of the bail application).

Considering the fact that there is no criminal antecedent, he is jail since 30.7.2021 and the charge-sheet has already been submitted; this Court is inclined to grant him the privilege of bail. However, if it is found that he does have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Bhagalpur, in connection with Sultanganj P.S. Case No. 160 of 2021 subject to the following conditions:-



(i) one of the bailors should be the family members of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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