

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66525 of 2021**

Arising Out of PS. Case No.-565 Year-2021 Thana- SITAMARHI District- Sitamarhi

AMRESH KUMAR @ AMRESH SINGH S/o Bijali Singh Resident of
Village - Bariyarpur, P.S. - Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Adv

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 08-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sitamarhi P.S.Case No. 565 of 2021 registered for the offences punishable under Sections 30(a) and 36 of Bihar Prohibition and Excise Act, 2016.

Recovery is of 878.400 liters of Nepali wine.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the name of the petitioner has transpired in the present case only on the basis of disclosure made by co-



accused, namely, Bhola Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner. He further submits that the petitioner is neither the Driver nor the Cleaner of the said Pick-Up Van. He further submits that co-accused, namely, Sarvesh Kumar has been granted bail vide order dated 07.02.2022 in Cr. Misc. No.59157 of 2021 and another co-accused, namely, Santosh Yadav has been granted bail vide order dated 08.02.2022 in Cr. Misc. No.59764 of 2021 by this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and other co-accused persons and the petitioner is in custody since 07.09.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail and submits that the petitioner carries two more cases other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 565 of 2021, subject to the following conditions:-



1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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