

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56650 of 2022

Arising Out of PS. Case No.-141 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Supaul

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1. Amit Kumar S/o Shri Mahesh Prasad Yadav R/V- Belokara, P.S.- Pipra, Distt- Supaul.
 2. Nand Kishor Kumar S/o Shri Dev Nandan Sah R/V- Belokara, P.S.- Pipra, Distt- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 10-11-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the marriage of the petitioner no.1, Amit Kumar is to be solemnized on 18.11.2022.

Heard learned counsel for the petitioners and learned APP for the State.

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

In the present case, the petitioners seek bail in connection with Miscellaneous Case No. 596 of 2022, arising out of Supaul Prohibition P.S. Case No. 141 of 2022 registered for the alleged offences under Section 30(a) of the Bihar



Prohibition and Excise (Amendment) Act, 2016.

As per prosecution case, police received secret information about smuggling of illicit liquor by a car and the said car was intercepted and the petitioners were apprehended from the car and recovery of total 324 litres of Nepali country made liquor was made from this car.

Learned counsel for the petitioners submits that the petitioner are innocent and have been falsely implicated in this case. The petitioner are neither the owner nor the driver of the allegedly seized vehicle. They have nothing to do with the recovery said to be made from the said vehicle. The petitioners are in custody since 03.07.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioners were caught in possession of total 324 litres of Nepali country made liquor while trafficking the same.

Having regard to the facts and circumstances and submissions made on behalf of the parties and further considering the submissions of charge-sheet and clean antecedent of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like



amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Supaul in connection with Miscellaneous Case No. 596 of 2022, arising out of Supaul Prohibition P.S. Case No. 141 of 2022, 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 petitioners.
- (ii) The petitioners 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 bonds of the petitioners will be liable to be cancelled by the court concerned.

However, the petitioner no.1, Amit Kumar, will submit an affidavit before the learned Exclusive Special Judge, Excise Court No.2, Supaul regarding solemnization of his marriage and learned Exclusive Special Judge, Excise Court No.2, Supaul would also take steps for verification of the claim of the petitioner no.1 Amit Kumar regarding solemnization of his marriage.

(Arun Kumar Jha, J)

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