

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57605 of 2022

Arising Out of PS. Case No.-42 Year-2022 Thana- DEO District- Aurangabad

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Amarjit Kumar @ Chintu, Son of Mahendra Thakur, R/V- Babuganj P.S-
Rafiganj, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate
Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Deo P.S. Case No. 42 of 2022 registered for the alleged offences under Sections 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, the police received a tip off about illicit liquor being transported on the motorcycles. Two motorcycles were intercepted on which two sacks were found loaded and three persons were riding the motorcycle. On seeing the police party, two persons fled away and the petitioner was apprehended. From the motorcycles, 110.1 liters of country made liquor was recovered.



Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was merely a pillion rider on the motorcycle which was being driven by the co-accused Raushan Kumar and the petitioner has no concern with the seized liquor or the motorcycle. He has no knowledge that the liquor was kept on the motorcycle. He did not flee away from the place of occurrence. Nothing incriminating has been recovered from the conscious possession of this petitioner. The petitioner is in custody since 05.03.2022 and is having clean antecedent. The charge sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Having regard to facts and circumstances and submissions made here-in-above and considering the period of custody of the petitioner and the submission of charge sheet along with his clean antecedent, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise-I, Aurangabad, in connection with Deo P.S. Case No. 42 of 2022, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :



(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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