

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69565 of 2021

Arising Out of PS. Case No.-283 Year-2021 Thana- AMAS District- Gaya

1. Kundan Kumar S/o Santan Parsad R/o - Village - Sawkala, P.S. - Amas, District - Gaya.
2. Vishal Kumar S/o Rambali Parsad Gupta R/o - Village - Sawkala, P.S. - Amas, District - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2022

Heard counsel for the parties.

The two petitioners are in judicial custody in connection with Amas P.S. Case No. 283 of 2021 for the offence under sections 30(a) (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per the FIR, the allegation against the petitioner no.1 is that he was driving the Tata Sumo vehicle from which 300 litres of country made liquor was recovered/seized.

So far as petitioner no.2 is concerned, it is alleged that the Bolero Pick-Up which he was driving was searched and 135 liters of country made liquor and 80 white plastic bags of 50 each Mahua totaling 4000 kgs. Mahua flower was



recovered/seized.

Taking into account the aforesaid facts that from the petitioner no.1 there is recovery of 300 litres of country made liquor and he is in jail since 12.10.2021 and charge-sheet has been submitted; this Court is inclined to grant him the privilege of bail.

So far as the petitioner no.2 is concerned, there is recovery/seizure of 135 litres of country made liquor and 4000 kgs. of Mahua flower; this Court for the present is not inclined to grant him the privilege of bail and his bail application is rejected.

Let the petitioner No.1 be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of Additional Sessions Judge-IIInd -cum- Special Judge, Excise Act, Gaya, in connection with Amas P.S. Case No. 283 of 2021 subject to the following conditions:-

(i) one of the bailors should be the family member 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;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application of petitioner no.1 is allowed, so far as the petitioner no.2 is concerned, his bail application stands rejected.

(Rajiv Roy, J)

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