

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72397 of 2021

Arising Out of PS. Case No.-379 Year-2020 Thana- SITAMARHI District- Sitamarhi

Amresh Kumar @ Amresh Singh, Son of Brij Kishore Singh, Resident of
Village- Bariyarpur, P.S.- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mrs. Veena Rani Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-06-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Heard Mr. Ashok Kumar Sinha, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Sitamarhi P.S. Case No. 379 of 2020 for the
offences punishable under Sections 272, 273 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

As per prosecution case, it is alleged that the police
on a secret information intercepted one person, who was coming
on a motorcycle, and on search altogether 409 bottles of Nepali
Saufi liquor was recovered. It is further alleged that the
apprehended person disclosed the name of this petitioner.

It is submitted by the learned counsel appearing on



behalf of the petitioner that the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, inasmuch as, the co-accused, on whose statement the name of the petitioner has been transpired, has already been granted bail by a co-ordinate Bench of this Court in Cr. Misc. No. 7242 of 2021 vide order dated 24.06.2021, the copy of which has been annexed as Annexure-2 to this application. It is further submitted that only because of the fact that the petitioner has been made accused in similar kind of cases, his name has been implicated in this case and except the statement of co-accused, there is no material against the petitioner. The petitioner is in custody since 02.11.2021.

On the other hand, learned APP for the State opposes the bail application and submits that the co-accused has disclosed the name of the petitioner.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the name of the petitioner has been disclosed by the apprehended person, who has already been granted bail by a co-ordinate Bench of this Court, and further there is no recovery from the person or possession of this petitioner and he is in custody since



02.11.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Sitamarhi in connection with Sitamarhi P.S. Case No. 379 of 2020 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of



the above-mentioned order, shall not be delayed for this purpose
or in the name of verification.

(Harish Kumar, J)

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