

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6493 of 2023

Arising Out of PS. Case No.-485 Year-2022 Thana- TAJPUR District- Samastipur

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AMIT KUMAR S/O UMASHANKAR CHOUDHARY Resident of village-
Hasanpur Surat, P.S.- Patory, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
		Mr. Vijay Anand, Advocate
For the State	:	Mr. Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-05-2023 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and learned APP for the State.

Petitioner seeks bail, who is in custody since
25.11.2022, in connection with Tajpur (Halai O.P.) P.S. Case No.
485 of 2022, F.I.R. dated 17.10.2022 registered for the offences
punishable under Sections 272, 273/34 of the Indian Penal Code
and Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

The case relates to recovery of 112.32 litres of illicit
liquor from Spresso vehicle, 1831.680 litres of illicit liquor from
the Truck, 1209.60 litres of illicit liquor from the Pick-up van.

Learned Senior counsel for the petitioner submits that
the petitioner has clean antecedent and he has been falsely
implicated in the present case on the basis of the disclosure made
by co-accused persons. He further submits that from bare



perusal of the F.I.R. as well as seizure list it appears that nothing has been recovered from the conscious possession of the petitioner rather recovery has been made from the Maruti van and Truck in question and on the basis of disclosure made by co-accused persons, a raid was conducted in the house of the petitioner but nothing incriminating articles has been recovered from the house of the petitioner and only on the basis of disclosure made by co-accused persons, the petitioner has been falsely implicated in the present case. He further submits that co-accused persons namely Paras Nath Pandey and Nishu Kumar have been granted bail by a Coordinate Bench of this Court vide order dated 24.12.2022 passed in Cr. Misc. No. 68102 of 2022 and its analogous case and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, nothing has been recovered from the possession or the house of the petitioner and the petitioner having clean antecedent, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise Court No. 2, Samastipur in connection with Tajpur



(Halai O.P.) P.S. Case No. 485 of 2022, 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 witness, 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 antecedents, 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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