

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17696 of 2023

Arising Out of PS. Case No.-73 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Amarpal @ Amar Pal S/O- Nand Ram Village- Safiyabad Loti Ps- Mundali
Dist Meerut UP

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 02-05-2023 1. Heard learned counsel for the petitioner and the learned
APP for the State.
2. Petitioner seeks regular bail in connection with Durgawati
P.S. Case No. 73 of 2020 dated 08.03.2020 registered for the
offence punishable under Section 30(a) of Bihar Prohibition and
Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the petitioner was not arrested at the spot of
recovery of alleged wine, he is not named in the FIR, his name
came into light in the confessional statement of co-accused and
according to the confession made by the said co-accused the
petitioner is stated to be the owner of the alleged truck from
which the recovery of the alleged wine was made but the said
fact is completely false as at the time of the recovery of the
alleged wine petitioner was not the owner of the alleged truck as

the ownership had not been transferred in the name of the petitioner and against the petitioner there is no any other material except confessional statement of co-accused showing his involvement in the alleged crime of smuggling of wine. Further submissions are that the actual owner of the alleged truck namely, Sunder, who has also been made accused in this case, has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 56095 of 2022 and the driver of the alleged truck, who was caught at the spot from the alleged vehicle, has also been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 23245 of 2020 and the case of this petitioner stands on better footing from the said co-accused persons as he is neither owner nor driver of the alleged truck and he was also not arrested at the spot and he has been languishing in jail since 13.02.2023.

4. Learned APP for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly the facts that the petitioner was not arrested at the spot and he has taken the plea that he was not owner of the alleged truck at the time of seizure of wine and according to above submission the alleged vehicle stood in the name of its actual owner namely, Sundar

who is a co-accused in this case and also taking into account the completion of investigation against the petitioner and his custody period, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail, **after framing of charge, if the same has not been framed**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Durgawati P.S. Case No. 73 of 2020 on the following conditions:

- 1. Both the bailors will be local residents within the jurisdiction of the trial Court, having sufficient immovable property to the satisfaction of the Trial Court.**
- 2. The trial Court will verify the criminal antecedent of the petitioner through Superintendent of Police, Kaimur (Bhabhua) from DGP, Utter Pradesh. If any criminal antecedent of the petitioner is found then the trial Court will take serious action against him by cancelling his bail bond.**

(Shailendra Singh, J)

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