

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36634 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Amarjeet Kumar S/o Ram Udesb Mahto R/o Vill. virsahiya, PS. Bibhutipur
Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha

For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 31-07-2023 Heard the learned counsel for the petitioner and
the State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Bibhutipur P.S. 99 of 2023, registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471/34 of the Indian Penal Code and Section 30(a), 32, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, altogether 3501.690 liter of liquor has been recovered from three vehicles.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is neither the owner



of the alleged vehicles nor is in any way involved in the alleged offence. His name transpires only in the confessional statement of the co-accused on his arrest on the spot before the police and there is no other connecting material against the petitioner. Only on the basis of suspicion, he has been made accused in this case. He further submits that co-accused, namely, Sanjay Kumar has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 03.07.2023, passed in Cr. Misc. No. 40731 of 2023.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has vehemently opposed the prayer of the petitioner for bail.

8. In view of the aforesaid facts and circumstances, no case, *prima facie*, is made out against the petitioner for want of any cogent legal material against him. Hence, the present anticipatory bail application is maintainable.

9. Considering the aforesaid facts and



circumstances, the present petition is allowed directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge Excise-01, Samastipur, in connection with Bibhutipur P.S. 99 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(iii) In case, the petitioner repeats offence of



similar nature after enlargement on bail and charge is framed with regard to alleged subsequent offence, his bail-bond will be cancelled by the court below.

10. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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