

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46929 of 2023

Arising Out of PS. Case No.-96 Year-2020 Thana- INDUSTRIAL AREA District- Vaishali

AMIT MALLIK @ AMIT JAAT Son of Mehar Singh Resident of Village -
Jasrana (Bhasrana Sonipat City), P.S.- Gohana Sadar, District - Sonipat,
Haryana.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Industrial
Area P.S. Case No.96 of 2020 registered for the offence under
Sections 30(a), 36, 41(i) of the Bihar Prohibition and Excise Act.

Recovery is of 7218 liters of foreign liquor.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R. and
the seizure list, it appears that nothing has been recovered from
the conscious possession of the petitioner rather that the alleged
recovery has been made from the truck in question. He further
submits that the petitioner has not been named in the F.I.R. but
during course of investigation, his name surfaced in this case on



the basis of C.D.R. of mobile No. 7027990018. He further submits that the mobile number in question does not belong to the petitioner and he has been apprehended in this case merely on the basis of suspicion. He further submits that the petitioner has no concern at all with the alleged recovery and the truck in question. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.06.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, -cum- A.D.J., Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 96 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 antecedent, 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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