

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55240 of 2023

Arising Out of PS. Case No.-123 Year-2023 Thana- KALYANPUR District- Samastipur

Amresh Kumar S/o Krishna Kumar @ Manoj Sah @ Krishna Kumar Sah R/o
Village- Manjil Mobarak, PS. Kalyanpur, Dist. Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Roy, Adv.

For the Opposite Party/s : Mr. Kanhaiya Kishore, APP 100

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2023 Heard Mr. Surya Narayan Roy, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kalyanpur P.S. Case No. 123 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. Allegedly, the police on receipt of secret information that some accused persons including the petitioner are engaged in bootlegging of illicit wine conducted a raid and, on search, 1020.960 liters of foreign liquor was recovered from the house of co-accused Pramod Sah. On noticing the police personnel, the accused persons managed to flee away.

4. Learned counsel for the petitioner submits that from



the FIR, it is evident that the alleged recovery has been made from the house of co-accused Pramod Sah. The petitioner has neither any concern with the recovery of illicit liquor nor any connection with co-accused Pramod Sah. He further submits that there are various discrepancies in the search and seizure and moreover all the witnesses are police personnel and, as such, there is a defiance of Section 100 CrPC. The petitioner is a man of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that a huge quantity of illicit wine has been recovered.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from the house of co-accused Pramod Sah, coupled with the fair antecedent of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge Excise-I, Samastipur in connection Kalyanpur P.S. Case No. 123 of 2023, subject to the condition as laid down under Section 438(2) of



the Cr.P.C, with a further condition that one of the bailors shall
be the own/close family members of the petitioner.

(Harish Kumar, J)

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