

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58484 of 2022

Arising Out of PS. Case No.-263 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Amresh Kumar Son of Late Lakhindar Ram @ Lakhindar Ray Resident of
Village- Bhikhanpur, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha.1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-01-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 30(a), 32(i)(ii), 36, 41(i) of
Bihar Prohibition and Excise Act, 2016.

Recovery is of total 1126.800 liters of illicit foreign
liquor.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
recovery has been made from the vehicle in question and not
from petitioner's possession. He further submits that petitioner
has no concern at all with the alleged recovery of illicit liquor or
the vehicle in question. He further submits that similarly



situated, co-accused, namely, Sumit Kumar Agarwal has been granted bail by a Coordinate Bench of this Court vide order dated 19.10.2022 passed in Cr. Misc. No. 52636 of 2022 and another co-accused namely, Sunny Kumar Jaiswal and Ajay Mishra has been granted bail by a Coordinate Bench of this Court vide order dated 19.10.2022 passed in Cr. Misc. No. 50861 of 2022. The petitioner is in custody since 23.07.2022.

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

Considering the aforesaid facts and circumstances, petitioner has clean antecedent and nothing has been recovered from the conscious possession of the petitioner, let the petitioner, above named, 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 the learned Court below where the case is pending in connection with Motipur P.S. Case No. 263 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 witnesses, 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 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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