

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65519 of 2023

Arising Out of PS. Case No.-50 Year-2023 Thana- BAHERI District- Darbhanga

Amar Lal Deo, aged about 40 years (Male), son of Ram Chandra Lal Deo,
resident of Village- Amata, P.S.- Baheri, District- Darbhanga

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Baheri PS Case No.50 of 2023 dated 27.02.2023, instituted under Sections 120-B, 420, 467, 468, 471 of the Indian Penal Code and Sections 30(a), 32 and 41 of the Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that the police got secret information about the illicit liquor upon which a raid was committed. When the police personnel reached near *Hanuman* temple, they found that cartons were unloading from the truck bearing registration no. RJ 06GC 5277 and loading on a pick up van. A Xylo vehicle was also parked near the said vehicles. Upon seeing the police party, all the persons tried to run away.



They were chased but only two persons, namely, Sonu Kumar and Baidynath Kumar Yadav could be arrested. They named several persons including the petitioner, who were involved in bootlegging. Upon search, total 5999.52 litres foreign liquor was recovered from the truck as well as pickup van apart from cash etc.

4. Learned counsel for the petitioner submits that the petitioner is not the owner of any of the vehicles which were seized. Nothing has been recovered from conscious possession of the petitioner. The petitioner has no concern with the recovered illicit liquor. Lastly, it is submitted that the petitioner has four criminal cases against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge- 1st, Excise Act, Darbhanga, in Baheri PS Case No.50 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and



further (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U		T	
---	--	---	--

