

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71246 of 2023

Arising Out of PS. Case No.-524 Year-2023 Thana- WAJIRGANJ District- Gaya

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AMIT KUMAR SON OF YASWANT SINGH RESIDENT OF VILLAGE-
BHAVARIKALA, PS- FATEHPUR, DISTT- GAYA,

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate.

For the Opposite Party/s: Ms. Pushpa Sinha.1, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Wazirganj P.S. Case No. 524 of 2023 dated 22.8.2023 registered for the offence punishable under Section 30(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, during night patrolling, a person tried to flee away from his car on seeing the police party and he was chased and apprehended. On search of the car, recovery of 380 liters of country made liquor was made.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no concern with the illicit liquor seized by the police. Learned counsel further submits that the liquor



recovered from the vehicle does not belong to the petitioner. The petitioner is a resident of that area and he was apprehended by the police on suspicion. Even at the time of preparation of arrest memo as well as seizure list, no mobile of any kind has been recovered from possession of the petitioner. The petitioner has got clean antecedent and he is in custody since 24th of August, 2023.

5. Learned APP opposes the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is not the owner or driver of the vehicle and also considering the clean antecedent and period of custody, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs.20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court V, Gaya, in connection with Wazirganj P.S. Case No. 524 of 2023, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:-

- (i) One of the bailors will be a close relative of the petitioner.*
- (ii) The petitioner will remain*



present on each and every date fixed by court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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