

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74879 of 2022

Arising Out of PS. Case No.-298 Year-2022 Thana- MAHESI District- East Champaran

Amit Sah @ Amit Kumar Son Of Anjit Sah R/O Village- Kuchaikote, P.S.-
Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 03-02-2023 No one appears on call.

The petitioner apprehends his arrest in connection with Mehsi P.S. Case No.298 of 2022 instituted under Sections 30(a), 32(i),(ii), 36, 41(i) of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution story, the police reached NH-28 and in course of checking of the vehicles intercepted a bolero vehicle and recovered/seized 1132.200 liters of foreign liquor kept between the cartoons of 'Pashu Ahar'. One person Amit Kumar was apprehended and he confessed the involvement of this petitioner. Accordingly, the FIR was lodged.

As per the averment, petitioner was not arrested at the spot, nothing incriminating has been recovered from the conscious or constructive possession of the petitioner and he has been made accused in the present case on the basis of



confessional statement of apprehended co-accused. Petitioner is not the owner of alleged Bolero vehicle and has no concern with the vehicle and the alleged liquor. Further, except confessional statement of co-accused persons, there is no evidence or material to show his complicity in the alleged occurrence.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Taking into account the fact that nothing has been recovered from the conscious possession nor he owns the said bolero vehicle and his name has come only on the confessional statement coupled with the fact that he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail, in the event of his arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Mehshi P.S. Case No.298 of 2022 to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

- (i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner will make himself available to the police as and when required in course of investigation;

(iii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /-

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