

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74436 of 2022

Arising Out of PS. Case No.-712 Year-2022 Thana- KANTI District- Muzaffarpur

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Amit Kumar @ Amit Chaudhary @ Amit Kumar Chaudhary Son of
Rameshwar Choudhary R/v- Harlochanpur Sukki, P.S.- Patepur, District-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 10-04-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Kanti
P.S. Case No. 712 of 2022 dated 21.10.2022 registered for the
offences punishable under Sections 30(a), 32(i), (ii), 36, 41(i) of
Bihar Prohibition and Excise Act.

As per the prosecution, police personnel on secret
information seized the alleged vehicle (truck) and apprehended
this petitioner with a co-accused person and upon search of the
alleged truck recovered in total 1857.060 litres of foreign liquor
which was hidden inside the secret chamber.

The main submissions advanced by the learned
counsel for the petitioner are that as per prosecution's story the



petitioner was apprehended from a car by which he is stated to have been escorting the alleged truck from which the recovery of 1857.060 litres of foreign liquor was made but the said recovery was not made from the petitioner's car as well as from his conscious possession, in fact petitioner has taken lift in the said car and he was bonafidely travelling in the same and he has been languishing in jail since 22.10.2022.

Learned APP appearing for the State has opposed the bail prayer and submitted that the petitioner is a registered owner of the alleged Car which was seized along with the alleged truck when the petitioner and co-accused persons were escorting the said truck in which a huge quantity of the English wine was recovered.

Considering the recovery of a huge quantity of the English wine from a truck and as per prosecution's story the petitioner and co-accused persons were escorting the alleged truck and petitioner was apprehended at the spot of the recovery of the alleged wine and as per statement made in paragraph no. 3 of the petition he has criminal antecedents of seven cases which were lodged under the Bihar Prohibition and Excise Act and as per the prosecution the alleged occurrence was being committed in a very planned manner and the alleged wine was



kept in a very secret manner, this court is not inclined to accept his bail prayer for the present. Accordingly, his bail prayer stands rejected.

Petitioner may renew his bail prayer after six months, if any significant progress is not made in his trial by the trial court.

(Shailendra Singh, J)

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