

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68731 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- HASANPUR District- Samastipur

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Aman Kumar S/o Anil Kumar Singh @ Anil Singh R/o Village- Nayanagar,
PS- Hasanpur Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-10-2024 Heard the parties.

2. The petitioner apprehends his arrest in connection with Hasanpur P.S. Case No. 77 of 2024, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act,.

3. The allegation against the petitioner is of involved in trade of illicit liquor. The police in course of search found a pick-up van bearing Registration No. BR09M9483 in an abandoned condition, however on noticing the police party one person tried to flee away, who was later on apprehended. The apprehended person disclosed the name of the petitioner as one of the accomplice. On search, total 495 litres Indian made foreign liquor was recovered.

4. Learned Advocate for the petitioner contended that



the petitioner has neither any concern with the pick-up van, in question, nor with the illicit wine, however on account of the fact that the person, who was apprehended, happens to be the father of the petitioner, his name has been implicated in this case. Earlier also the name of the petitioner has been implicated in an identical nature of crime, particular of which has been mentioned in paragraph-3. Irrespective of the fact that the search and seizure has been made in a public road, but surprisingly the witnesses are none else but the police personnel, apart from other infirmities. The petitioner undertakes that he will fully cooperate in the proceeding of the court.

5. On the other hand, learned Advocate for the State opposes the bail application and submits that both the father and the son appear to be involved in the trade of illicit wine.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the disclosure made by the apprehended person, there is no other material suggesting the complicity of the petitioner, apart from infirmities in search and seizure, let the petitioner abovenamed be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 Excise Judge I, Samastipur in connection with Hasanpur P.S. Case No. 77 of 2024, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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