

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83675 of 2023

Arising Out of PS. Case No.-454 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

Amit Kumar Son of Birendra Ray Resident of Village - Chakhabib, Police
Station- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anant Kumar Mishra

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 12-01-2024 Learned counsel for the petitioner is permitted to
make necessary corrections in paragraph 10 of the bail petition.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Bhagalpur Jagdishpur(Bypass) P.S. Case No. 454/2023
registered for the offences punishable under Sections 30(a) of
the Bihar Prohibition and Excise (Amendment) Act.

As per prosecution case, 14.04 litre foreign liquor
was recovered from Maruti Baleno vehicle in question and four
co-accused persons were apprehended on spot. It is further
alleged that 69 litre foreign liquor was recovered from Victa
Sumo Gold vehicle in question and petitioner was apprehended
on spot being driver of the said Victa Sumo Gold vehicle.



Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. It is further submitted that the Victa Sumo Gold Vehicle is a commercial vehicle which is normally used for carrying passengers and petitioner, being the driver of the said vehicle, has no knowledge about the illicit liquor loaded in the vehicle. Petitioner is in custody since 11.10.2023. Learned counsel orally submits that charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Co-accused Rambadan Singh and others have already been granted bail by a co-ordinate bench of this Court vide Cr. Misc. No. 82827 of 2023 and the case of the present petitioner stands more or less on similar footing. Petitioner bears no criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of the petitioner, co-accused persons have already been granted bail by co-ordinate bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material



available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge-1, Bhagalpur in connection with Bhagalpur Jagdishpur(Bypass) P.S. Case No. 454/2023 , subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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