

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90068 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- KALYANPUR District- Samastipur

Amresh Kumar @ Amresh Kumar Sah S/o Manoj Sah R/o vill - Manjil
Mubarak, P.S. - Kalyanpur, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shubhesh Pandey, Adv.
For the State	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in a case instituted for the offence punishable under Sections 30(a), 41(i) of Bihar Excise Prohibition Act.

3. It is a case of recovery of 2016 litres 120 ml of illicit liquor from three vehicles (truck bearing Reg. No. WB-23D-2573, Bolero bearing Reg. No. BR-33M-6721 and pickup bearing Reg. No. BR-33GA-3696).

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. Neither the petitioner was



apprehended on spot nor anything incriminating has been recovered from his conscious possession. He has no concern either with seized liquor or with the place or vehicle in question. No proper procedure of search and seizure has been followed as there is no independent witness of the alleged seizure. His name has sprung up in this case merely on the basis of secret information. Moreover, similarly situated co-accused persons, namely, Ashok Choudhary and Deepak Kumar have already been granted bail vide order dated 02.12.2024, passed in Cr. Misc. No. 79325 of 2024 by this Court.

5. Learned A.P.P. for the State has vehemently opposed the prayer of bail.

6. Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner on bail. The petitioner is directed to surrender in the Court below within a period of four weeks from today and in the event of his arrest or surrender in connection with Kalyanpur P.S. Case no. 244 of 2024, he will be enlarged 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 Judge Excise Court I, Samastipur, subject to the conditions as laid down under section 438(2) of the Cr.P.C, with following conditions:-

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the learned trial Court.

(iii) if the petitioner tampers with the evidence or threatens the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(S. B. Pd. Singh, J)

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