

IN THE COURT OF EXCLUSIVE SPECIAL EXCISE

COURT NO. 2, GAYA

Bail Appl. Spl. Act - 1443/2024

Ref:- Arising out of Rail Sonnagar P.S. Case No. 5/2024

U/S- 30(a) Bihar Prohibition & Excise Amendment Act, 2018

In the matter of :-

Amardeep Kumar S/o Pramod Chaudhary

.....Petitioner

vs

State of Bihar

...Opposite Party

Present:- A. K. Mishra

Addl. Sessions Judge cum

Excl. Spl. Excise Judge,

Court No. - 02, Gaya

Ld. Counsel for the petitioner :- Sri Rajendra Krishna Sinha, Adv.

Ld. Counsel for the O.P. :- Sri Feroz Shahin, Spl.P.P.

Date of order:- 30.04.2024

ORDER

The present bail petition filed on behalf of above named accused/petitioner who is in custody since 15.04.2024 in connection with above mentioned case registered U/S **30(a) Bihar Prohibition & Excise Amendment Act, 2018.**

As per allegation in FIR, total 17 litres foreign liquor contained in 34 piece kept in a red coloured trolley bag which was kept on Bullet motorcycle bearing reg. no. BR26T-3257. Further, petitioner was apprehended from spot while fleeing away upon seeing the police party.

The Ld. Counsel appearing on behalf of accused/petitioner submitted that petitioner has not filed any regular or anticipatory bail before this Court or any Higher Court. It is further submitted that the petitioner is an innocent, committed no offence and has been falsely implicated in this case. It is further submitted that allegation against the petitioner is false and concocted. Lastly he submitted that petitioner having no criminal antecedent and he is in custody since 15.04.2024, so he may be released on bail.

On the other hand Ld. Spl. P.P. appearing on behalf of State opposed the prayer for bail.

Heard both sides and perused the case record. Considering the quantity of seized liquor, clean antecedent of petitioner as mentioned in para 6 of the case diary and keeping in view the period of his custody i.e., from 15.04.2024. I am inclined to release the petitioner on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of like amount each with further conditions:-

1. One of the bailors of the petitioner shall be close relative.
2. That the accused/ petitioner is directed to file an undertaking that he will not indulge in any similar nature of offence till conclusion of the trial, if he is found in any criminal cases at any stage of proceeding, the bail bond of the accused/petitioner shall be cancelled.
3. That the accused/petitioner shall be released after depositing Rs. 4,000/- (Rupees Four Thousand only) in Account No. - 0380000110149830, Victim Compensation Fund, Punjab National Bank, Exhibition Road, Patna.

(Dictated)

Sd/-

**Addl. Sessions Judge cum
Excl. Spl. Excise Judge,
Court No. - 02, Gaya**