

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11973 of 2021**

Arising Out of PS. Case No.-13 Year-2019 Thana- HABIBPUR District- Bhagalpur

MADAN KUMAR S/O BALDEO MANDAL R/O VILLAGE
BHATUCHAK, BHATOURIYA, P.S. MADHUSUDANPUR, DISTRICT
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anupa Nand Jha

For the Opposite Party/s : Mr.Dilip Kumar No.1

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 30-11-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Habibpur P.S. Case No.13 of 2019, registered for the offence punishable u/s 30 (a) of the Excise Act.

The crux of the prosecution case is that on seeing the police, one person fled away from a Dhaba and on search, a bag having illegal wine has been recovered and one person has been apprehended. The apprehended accused disclosed the name of the petitioner as the accused who fled away from the spot.



Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No such occurrence has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. His name transpired in this case only on the basis of confession of the apprehended accused. He has no concern either with the seized liquor or any trade of liquor or the place of recovery. He has been falsely implicated in this case. Petitioner has no criminal antecedent, as mentioned in para-3 of the anticipatory bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection



with Habibpur P.S. Case No.13 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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