

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12702 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- WARISNAGAR District- Samastipur

Niraj Kumar @ Neeraj Kumar, Son of Ram Gulab Ray, Residednt of Village Magardahi, Kharidabad Ward No.4, P.S. Muffasil, District Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwari, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-12-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within three weeks. In the eventuality of non-removal of the defects within undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in Warisnagar P.S. Case No.202 of 2020, registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that there is no recovery from the conscious possession of the petitioner rather 12 cartons of foreign liquor were recovered from a Scorpio vehicle. The



said Scorpio vehicle belongs to the petitioner. The driver of the said vehicle has been arrested on the spot and he confessed that he is solely responsible for the alleged recovery and narrated entire circumstances from which it is apparent that the petitioner had no knowledge regarding the alleged recovered liquor.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is agreed to deposit a sum of Rs.30,000/- (rupees thirty thousand) in the Chief Minister Relief Fund, Bihar, bearing Account No. 2065104000002257, IFSC IBKL 0002065, IDBI Bank, Kidwaipuri Branch, Patna.

In the facts and circumstances of the case, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-II-cum-Special Judge (Excise Court), Samastipur in connection with Warisnagar P.S. Case No.202 of 2020, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the



petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.30,000/- (rupees thirty thousand) in the Chief Minister Relief Fund Bihar.

(Anjani Kumar Sharan, J.)

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