

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26235 of 2021**

Arising Out of PS. Case No.-237 Year-2020 Thana- BARHARA KOTHI District- Purnia

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ALOK KUMAR Son of Shree Nirmal Yadav Resident of Village Shishwa,  
Police station - Barahara Kothi, District - Purnia.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rama Nand Poddar  
For the Opposite Party/s : Mrs.Nirmala Kumari

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

2      10-12-2021      Heard the parties.

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

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 41 and 47 of the Bihar Excise Prohibition and Excise Act, 2016 and sections 272, 273, 34 of the Indian Penal Code.

Altogether 225.78 liters of foreign liquor is said to have been recovered from the house of the co-accused Rajesh Kumar Yadav as well as from the vehicle of the petitioner parked there.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged



in the FIR. Petitioner has been falsely implicated in this case on account of self grudge of the informant as well as out of suspicion. Petitioner is neither named in the FIR nor apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said recovery has been made from the vehicle of the petitioner parked at open court yard, which is not separated by any boundary wall between the petitioner and the co-accused. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Barhara (Raghuvansh Nagar) P.S. Case No.237 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee.

**(Anjani Kumar Sharan, J)**

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