

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28359 of 2021

Arising Out of PS. Case No.-179 Year-2020 Thana- DINARA District- Rohtas

ANIL KESRI Son of Ramjee Sah Resident of Village- Dinara, Ward No. 8,
Police Station - Dinara, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.N.K.Agrawal, Sr. Adv. Mr.Raghunandan Kumar Singh, Adv. Ms.Preety Kunwar, Adv.
For the Opposite Party/s :	Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Dinara P.S. Case No.179 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 437.940 liters of foreign liquor has been recovered from the house of the petitioner.

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. He has no concern either with the seized liquor or any trade of liquor. It is alleged that the recovery has been made from the house of the petitioner but it is a joint family property. Petitioner has been falsely implicated in this case only on the basis of suspicion. There is a violation of section 100 of the Cr.P.C. The similarly situated co-accused namely DhirajKeshri, who was arrested on the spot has been granted bail vide Cr. Misc. No.625 of 2021 dated 24.02.2021 by co-ordinate Bench of this Court. Petitioner has one criminal antecedent of similar nature as mentioned in para-3 of the bail application and has been languishing in custody since 18.12.2020.

Petitioner is agreed to deposit a sum of Rs. 25,000.00/- (Rupees Twenty Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let



the above named petitioner, be released 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 Sessions Judge-IIInd-Cum-Special Judge (Excise Act), Rohtas at Sasaram, in connection with Dinara P.S. Case No.179 of 2020, with the following conditions:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial, failing which, his bail bonds shall be liable to be cancelled by the learned court concerned.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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