

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28189 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- PATORI District- Samastipur

BISHWAJIT KUMAR @ BISUA @ BISWAJIT RAY, S/O PRAMOD ROY,
R/o village- Mohanpur, P.S.- Shahpur Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Praveen, Adv.

For the Opposite Party/s : Mr.Balmukund Pd. Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2021 Heard learned counsel for the petitioner and learned
APP 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 normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner, rather there is recovery of total 250 liters of



country made liquor from the Pick-up Van. The said vehicle does not belong to the petitioner and the petitioner was not apprehended on the spot. The petitioner is languishing in custody since 11.02.2021. The petitioner has got 02 criminal antecedents in same offence which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the bail petition of the petitioner.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten 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.

Considering the aforesaid facts and circumstances of the case, the above named petitioner is directed to 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 the learned Court below where the case is pending/ successor Court in connection with Patori (Mohanpur O.P.) P. S. Case No.152/2020; subject to the following conditions:

- (i) that one of the bailors will be a close relative of



the petitioner, who will be given 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.

(ii) that 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 after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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.10,000/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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