

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33084 of 2021

Arising Out of PS. Case No.-130 Year-2019 Thana- SAKRI District- Madhubani

JORAWAR KANJAR Son of Jai Radhey Shyam Kanjar Resident of Mohalla-
Kanjar Colony Pander, P.S.- Bhimwara, State- Rajasthan, Pin- 311001.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. A. K. Thakur, Adv
		Mr. Binay Kumar Singh, Adv
For the Opposite Party/s	:	Mr. Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

3 06-08-2021

Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 30(a), 38(i), 41(i) of the Bihar Prohibition Excise Act, 2016 and Sections 272, 275 of the Indian Penal Code.

The accusation is that in course of patrolling duty informant received secret information that accused Bikram Yadav has brought huge amount of illicit liquor from outside on a truck and same is being unloaded in the Mango orchard of Baijnath Yadav at Industrial Area Sita Ghaghari, the informant along with other police personnel reached there and saw that a truck was parked in the mango orchard and 3-4 persons engaged

in unloading the cartoon from the truck. On seeing the police party, they succeeded to flee away taking advantage of night. On search, 1920.96 litres kept in different bottles Indian made foreign liquors were recovered from the truck.

It has been submitted on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case. It is further submitted that petitioner is owner of the said truck and he had no knowledge that illicit liquor was being transported on his truck and he has nothing to do with the recovered liquor and is protected under Section 32 of Excise Act. It is further contended that one of the co-accused, Bikram Yadav, who is named in FIR as owner of illicit liquor and who managed to flee away after seeing the police party, has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 16.09.2019 passed in Cr. Misc. No.57950 of 2019. Petitioner has no criminal antecedent.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the

case is pending in connection with Special Case No.4575/2020 arising out of Sakari P.S. Case No.130/2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bond.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--