

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31262 of 2021**

Arising Out of PS. Case No.-20 Year-2021 Thana- BALRAMPUR District- Katihar

ANMOL KUMAR Son of Late Suresh Prasad Yadav Resident of Sakhua, P.S.
- Saur Bazar (Patargat O.P.), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Upendra Kumar

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

2 13-08-2021 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 Balrampur P.S. Case No.20 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 153.015 liters of foreign liquor is said to have been recovered from a red colour tempo. The petitioner is the driver of the said tempo, who tried to flee away but was



apprehended.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case merely due to high handedness of the police and malicious motive. No incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or the vehicle of recovery or any trade of liquor. The said vehicle from where recovery has been made does not belongs to the petitioner and he is merely a driver. He has no knowledge about the materials loaded on the tempo. There is a violation of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 17.02.2021.

Petitioner is agreed to deposit a sum of Rs. 10000.00/- (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.

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 court below where the case is pending, in connection with Balrampur P.S. Case No.20 of 2021, 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.10,000.00/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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