

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31298 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- KHAJANCHI HAT District- Purnia

SUBHASH KUMAR S/o Lalan Bhagat Resident of Village- Gerabari Bazar
(Gogiya Tola), Korha, P.O. and P.S.- Korha, Distt- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Ajit 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 Spl. Excise Case No.63/2021, arising out of K.Hat (Maranga) P.S. Case No.71/2021, registered for the offence punishable under Section 414 of the IPC and section 30(a) of the Bihar Prohibition and Excise (Amendment) Act-2016.

Altogether 21.210 liters of foreign liquor is said to have been recovered from the Dickky as well as plastic bag tied with



a motorcycle, on which the petitioner and one other were sitting. It is alleged that the said motorcycle is a stolen one.

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. He has been falsely implicated in the present case only on the basis of mere suspicion as well as monopoly of police. 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. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 20.01.2021.

Petitioner is agreed to deposit a sum of Rs. 5000.00/- (Rupees 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 Special Judge (Excise), Purnea, in connection with Spl.



Excise Case No.63/2021, arising out of K.Hat (Maranga) P.S.
Case No.71/2021, 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.5,000.00/- (Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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