

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34523 of 2021

Arising Out of PS. Case No.-567 Year-2020 Thana- NARPATGANJ District- Araria

VISHAL KUMAR Son of Kavindra Prasad Ray Resident of Village - Harpur,
Ward No. 15, P.S. Kathaiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Singh

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-08-2021 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 Special Case No.1111 of 2020 arising out of Narpatganj P.S. Case No.567 of 2020, registered for the offence punishable under Sections 30(a), 41 and 47 of the Bihar Prohibition and Excise Act.

Altogether 250.200 liters of foreign liquor is said to have been recovered from an Ambulance parked in southern lane of NH-57. Three persons were apprehended from the Ambulance and disclosed the name of other accused persons including the



petitioner as the real owner of liquor and vehicle. On such disclosure, the petitioner and other accused persons were also apprehended.

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. It is clear from the FIR itself that no incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He is not the owner of the Ambulance nor has any connection with the recovered liquor. On the alleged date, the petitioner had gone to the house of his relative and in course of return, while he was waiting for a vehicle near Naresh Line Hotel, the police arrested him in confusion and named him in the present case. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 25.12.2020.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (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 2nd Additional Sessions Judge- cum- Special Judge (Excise Act), Araria, in connection with Special Case No.1111 of 2020 arising out of Narpatganj P.S. Case No.567 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.10,000.00/- (Rupees Ten Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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