

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37811 of 2021

Arising Out of PS. Case No.-199 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

MUNNA KUMAR Son of Gonour Sah Resident of Village- Sahbajpur Purani
Zeromile Chouk, P.S.- Ahiyapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Adv.

For the Opposite Party/s : Mr.Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-09-2021 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 Ahiyapur P.S. Case No.199 of 2021, registered for the offence punishable under Sections 272, 273 and 34 of the IPC and sections 30(a), 36 and 41 of the Bihar Prohibition and Excise Act.

Altogether 329 liters of foreign liquor is said to have been recovered from different vehicles near Panchayat Bhawat and from Panchayat Bhawan, petitioner and two accused persons



were apprehended. From there also, liquor was seized.

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 this case out of enmity and previous grudge and due to the dirty local politics. 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. The alleged recovery has been made from the vehicles standing near the Panchayat Bhawan but the petitioner was not apprehended there rather he was apprehended from the Panchayat Bhawan and no specific recovery has been made from his possession. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 17.03.2021.

Petitioner is agreed to deposit a sum of Rupees 10,000.00/- (Rupees Ten Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN0000691, 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 Act), Muzaffarpur, in connection with Ahiyapur P.S. Case No.199 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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