

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37825 of 2021

Arising Out of PS. Case No.-119 Year-2021 Thana- KHAIRA District- Jamui

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MOHAN KUMAR @ MOHAN YADAV S/o of Dwarika Yadav Resident of
Village- Baribag, P.S.- Khaira, and District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Akash Raj, Adv.

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

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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 Khaira P.S. Case No.119 of 2021, registered for the offence punishable under Sections 272, 273 and 34 of the IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 200 liters of country made liquor is said to have been recovered from the house of Vijay Murmur. Four accused persons including the petitioner were apprehended from



the spot.

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 in the manner alleged has ever taken place. He has been falsely implicated in this case by the police officials due to mistake of fact. The manner and genesis of the alleged occurrence is totally wrong, false, fabricated and not maintainable. 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. There is no compliance of section 100 (4) 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 15.04.2021.

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 Additional District and Sessions Judge, 2nd, Jamui, in connection with Khaira P.S. Case No.119 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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