

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38563 of 2021**

Arising Out of PS. Case No.-137 Year-2020 Thana- JADOPUR District- Gopalganj

PAWAN SRIVASTAVA Son of Lalan Srivastava @ Lalan Lal Singh Resident
of Village- Pathara, P.S.- Yadopur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra
For the Opposite Party/s : Mr.A.G.

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

2 17-09-2021 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 Yadopur P.S. Case No.137 of 2020, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2018.

Total 171.00 liters of illegal liquor is said to have been recovered from four bags which was hidden in bushes near village Patahara canal river and one Surendra Kumar Kushwaha



was apprehended on 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 has ever taken place. Neither the petitioner has been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case due to suspicion. The petitioner has no knowledge about the seized material. The petitioner name has been dragged in this case only on the confessional statement of the arrested person. Petitioner has one criminal antecedent, as mentioned in para-3 of the bail application and has been languishing in custody since 08.02.2021.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

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/successor Court, in connection with Yadopur P.S. Case No.137 of 2020, with the following conditions:-

(1) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his/her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

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 Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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