

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8175 of 2022

Arising Out of PS. Case No.-170 Year-2021 Thana- AMBA District- Aurangabad

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DAYA JAISWAL @ GANPATI JI @ DAYA SAGAR PRASAD S/O
GANESH PRASAD JAISWAL R/O VILLAGE- HARIHAR GANJ, P.S.
HARIHAR GANJ, DISTRICT- PALAMU (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Mukul Kumari, Adv.

For the Opposite Party/s : Mrs.Veena Rani Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-07-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(c) of the Bihar Prohibition of Excise Act 2018.

Altogether 2107 kg of Mahua flower is said to have been recovered from a Pick up van and four persons were apprehended and an Alto car was also seized.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in



the FIR. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the confession of one of the apprehended co-accused. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern with the seized Mahua flower. Petitioner is neither the owner or the driver of any of the seized vehicles and has no concern with the apprehended persons. Petitioner is the owner of the shop which is registered for selling of Mahua Flower and used to operate the shop M/S Ganpati Traders, HariharGanj, Palamu (Jharkhand). Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds



of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Amba P.S. Case No.170 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also 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 and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory 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.25,000.00/- (Rupees Twenty Five Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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