

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27709 of 2021

Arising Out of PS. Case No.-158 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

SHIVJEE THAKUR @ SHEOJI THAKUR Son of Rambilash Thakur
Resident of Village -Basantpur Chainpur, P.S.- Sahebganj, Distt.-
Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

5 04-07-2022 Heard the parties.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under section 272, 273, IPC and 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 302.880 liters of foreign liquor is said to have been recovered from a scorpio car. The apprehended person disclosed the name of the petitioner as the owner of the said vehicle.

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. Petitioner has neither 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. There is no compliance of section 100 of the Cr.P.C. Petitioner has two criminal antecedents, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty 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 as nothing has been recovered from his conscious physical possession, 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 Excise Case No.158 of 2020, 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.30,000.00/- (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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