

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37903 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- BIDUPUR District- Vaishali

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Bhushan Rai Son of Bunna Rai Resident of Village- Kutubpur, P.S.- Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner apprehends his arrest in connection
with Bidupur P.S. Case No. 247 of 2020 registered for the
offence under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The accused/petitioner is named in the F.I.R.

The allegation against the petitioner is limited only to
run away from the house of the co-accused, namely, Rama
Singh from where a total of 274.500 liters of illicit IMFL was
recovered.

Learned counsel appearing on behalf of the petitioner



submitted that the allegation is only limited to run away from thatched house of one co-accused, namely, Rama Singh, from where a total of 274.500 liters of illicit IMFL was recovered. It has further been submitted that from bare perusal of the F.I.R., it appears that the name of the petitioner surfaced in the present case on very flimsy ground that someone named the petitioner from the crowd, collected on the place of occurrence, after arrival of the police. While concluding the argument, it has also been submitted that the petitioner is a man of clean antecedent and in no way connected with the present occurrence. It has further been submitted that nothing incriminating has been recovered from the conscious physical possession of the petitioner.

Learned APP appearing on behalf of the State while opposing the prayer for bail fairly conceded that as per F.I.R., the name of the petitioner surfaced on the basis of some unknown person who was the part of the crowd gathered after police raid and also conceded that nothing incriminating has been recovered from the conscious physical possession of the petitioner.

Considering the facts and circumstances as mentioned above, as the name of the petitioner surfaced in the present case



on very flimsy ground that someone named the petitioner from the crowd, gathered on the place of occurrence having limited allegation to run away from the place of occurrence, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail in connection with Bidupur P.S. Case No. 247 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and further subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the



Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Jaiki Kumar @ Jacky Kumar, who is the nephew of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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