

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39395 of 2021**

Arising Out of PS. Case No.-201 Year-2019 Thana- NAWANAGAR District- Buxar

KUMAR SHASHISH Son of Late Chhatrapati Singh Resident of Village -
Bhatauli, P.S.- Nawanagar, District - Buxar - 802129.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Mayuri, Adv.

For the Opposite Party/s : Mrs.Rita Verma, APP

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

2 07-01-2022 Heard the parties through virtual mode.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office, within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within the undertaken period, the 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(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 60.840 liters of foreign liquor is said to have been recovered from a Santro Car. It is alleged that all the accused persons fled 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. He has been falsely implicated in this case. Petitioner is not named in the FIR, has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. His name transpired in the case on the basis of the confessional statement of the named co-accused. Allegation against the petitioner is that he is the owner of the vehicle. However, he is not the owner of the vehicle as he has sold the same to one Lal Jee Prasad much before the date of occurrence. However, the registration could not be done as the full payment was not made by the purchaser. He has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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 Nawanagar P.S. Case No.201 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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