

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39328 of 2021**

Arising Out of PS. Case No.-44 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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PAPPU KUMAR S/o Ravindra Ray R/o village- Shankarpur, P.S.- Sakra,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand, Adv.
For the Opposite Party/s : Mr.Nand Kumar, APP

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**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 under sections 30(a) of the Bihar Prohibition and Excise Act.

Altogether 4.545 liters of foreign liquor is said to have been recovered from a hut like cow shed, situated in front of the house of apprehended co-accused Dhiraj Kumar, who disclosed that petitioner has kept the wine there.



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 due to dirty village politics. He 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 apprehended co-accused. He has no concern either with the seized liquor or any trade of liquor or the place of occurrence. He does not reside in the said house and lives separately from his brother Dhiraj Kumar. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten 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 Excise Case No.44 of 2021, arising out of P.R. Case No.16/2021, 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.10,000.00/- (Rupees Ten Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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