

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34444 of 2022

Arising Out of PS. Case No.-473 Year-2021 Thana- MALSALAMI District- Patna

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PANCHA YADAV @ PANCHA KUMAR Son of Late Chenarik Rai Resident
of Mohalla-Pathar Ghat, P.S.-Malsalami, District-Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Singh

For the Opposite Party/s : Ms. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with a case registered for the offence punishable under Section
30(a) of the Bihar Prohibition and Excise Amendment Act,
2018.

Altogether 120 litres of illicit country made liquor is
said to have been recovered from the spot. The allegation
against the petitioner is that he alongwith other co-accused fled
away from the place of occurrence after seeing the police.

Learned counsel for the petitioner submits that the
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 ulterior motive. His name transpired in the case on



suspicion. The petitioner has neither been apprehended at the spot nor any incriminating article has been recovered from his conscious physical possession. The petitioner has no concern either with the seized liquor or any trade of liquor. The alleged recovery has been made from Pahr Ghat which is an open place and does not belong to the petitioner. The petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application.

Petitioner is agree to deposit a sum of Rs. 20,000/- (rupees twenty thousand) in Bihar State Legal Services Authority bearing Account No.0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Taking into consideration the facts and circumstances of the case, let 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 enlarged on bail on furnishing the bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Malsalami P.S. Case No.473/2021 (wrongly mentioned as Alamganj P.S. Case No.473/2021 in the prayer portion of the bail application), subject to the conditions laid down under Section 438(2) of the



Code of Criminal Procedure 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 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.20,000/- (rupees twenty thousand) in the account of Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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