

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42294 of 2021

Arising Out of PS. Case No.-84 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Rajeev Kumar, S/o Ram Chandra Rai, Resident of Village Salempur, P.S.
Lalganj, District Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anish Chandra, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks of normal court proceedings. In the
eventuality of non-removal of defects within undertaken period,
the office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with
C2A No.84/2021, registered for the offence punishable under
Section 30(a) and 30(d) of the Bihar Prohibition and Excise Act.

Prosecution case, in brief, is that the officials of Excise
Department along with police personnel of Hajipur and Lalganj
P.S. recovered 46 cartons of foreign liquor, 200 stickers and 25
empty bottles near Salempur Bandh. The accused persons fled
away from the place of occurrence. The independent witnesses and



the nearby people disclosed that the petitioner along with others were involved in manufacturing illicit liquor and trade.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. There is no recovery from the conscious possession of the petitioner rather 414 litres of foreign liquor has been recovered near Salempur Bandh. It is further submitted that the petitioner has not been apprehended on the spot. Nearby people disclosed the name of the petitioner. It is further submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is agree to deposit a sum of Rs.2,00,000/- (rupees two lakhs) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

In 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 bail bond of Rs.25,000/- (rupees



twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Excise Court, Vaishali at Hajipur in connection with C2A No.84/2021, subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.2,00,000/- (rupees two lakhs) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

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