

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42793 of 2021**

Arising Out of PS. Case No.-491 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

VIJAY KAPAR @ VIJAY KUMAR KAPAR Son of Late Avdhesh Kapar @
Avdhesh Kumar Resident of Village - Manik Chowk, P.S.- Runnisaidpur,
Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Preety Kunwar

For the Opposite Party/s : Mr. Syed Mojibur Rahman

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

2 29-01-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks. 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 a case
registered for the offences punishable under Section 30 (a), 38
(I) (ii) & 41 of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 2962.710
liters of foreign liquor from different vehicles and



Rs.1,59,800.00 is said to have been recovered from the house of co-accused, Manoj Prasad and Amit Prasad. He has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He has been falsely implicated in this case merely on suspicion. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.1,00,000.00 (Rupees One Lakh) in the account of Bihar Kishore Nyay Nidhi, bearing Saving Bank Account No.35094613009, IFSC Code: SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan Branch, Patna, Branch Code 153.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below where the case is pending/successor Court in connection with Runnisaidpur P.S. Case No. 491 of 2020,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of Rs.1,00,000.00 (Rupees One Lakh) in the account of Bihar Kishore Nyay Nidhi.

(Anjani Kumar Sharan, J)

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