

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34179 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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MITHU KUMAR YADAV @ MITHU KUMAR SON OF LALIT
NARAYAN YADAV R/O VILLAGE- SANSKRIT NIRMALI, P.S.- BALUA
BAZAR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Adv.

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, 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) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 39 litres of country made liquor is said to have been recovered from a motorcycle driven by one Gunjesh Kumar Paswan. He disclosed that petitioner on seeing the police 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. Petitioner has been falsely implicated in this case at the instance of his enemies. His name transpired in this case on the confession of apprehended co-accused. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. The said motorcycle does not belongs to the petitioner. There is no compliance of section 100(7) of the Cr.P.C. Petitioner has one criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

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 Araria (Excise) P.S. Case No.62 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) That 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.10,000.00/- (Rupees Ten Thousand) in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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