

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44328 of 2021

Arising Out of PS. Case No.-260 Year-2019 Thana- MITHANPURA District- Muzaffarpur

NAVEEN KUMAR Son of Harinath Thakur Resident of Village- Abdulpur Raini, P.S.- Sakra, District- Muzaffarpur (Owner of Honda Motorcycle bearing Registration No. BR06BN-8279 at Serial No. 12).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-01-2022 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State through virtual Court proceedings.

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 undertaken period, the office will place the matter before the Bench.

The petitioner apprehends his arrest in connection with a case registered for the offence punishable under section 30(a) 32(II) 38(II)/41(1) of the Bihar Prohibition and Excise Act amended Act 2018.

Altogether 4595.040 liters of liquor is said to have been



recovered from a truck and two persons were apprehended, who disclosed that the owner of the truck is one Praveen Thakur and he along with his associates have brought the liquor from outside and the same was being sent to other places. It is alleged that the said Praveed Thakur runs a flour mill, where the petitioner is an employee.

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 merely on suspicion. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor or the vehicle of recovery. His name has transpired in this case only on the ground that he is an employee in the flour mill and his motorcycle has been recovered from the premises of the said mill but no recovery of liquor has been made from the mill. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application and the named accused Praveen Thakur has already been enlarged on anticipatory bail vide order dated 10.06.2020 passed in Cr. Misc. No.7605 of 2020.

Petitioner is agreed to deposit a sum of Rs. 20,000.00/-



(Rupees Twenty 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 Mithanpura P.S. Case No.260 of 2019, 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.20,000.00/- (Rupees Twenty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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