

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38579 of 2022

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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Bhupendra Shandilya S/O Avinash Prasad Singh Resident Of Chatro, P.S.-
Deori, District- Giridih

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dipak Kumar

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The petitioner is apprehending his arrest in a case
registered for the offence punishable under Sections 272, 273/34
of the Indian Penal Code and Section 30(a), 36 and 41(1) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that
petitioner is innocent, not named in the FIR and has been falsely
implicated in this case. He submits that there is no recovery
from the conscious possession of the petitioner rather 90 liters
of foreign liquor is said to have recovered from the Swift Deziere



Car and apprehended person disclosed the name of 24 accused persons but did not disclose the name of the petitioner. He submits that the name of the petitioner has transpired during the course of investigation on the basis of further statement of co-accused. He further submits that petitioner has one criminal antecedent as stated in para-3 of the bail application. In Malaypur P.S. Case No. 57 of 2021, 2160 litres of foreign liquor has been recovered and apprehended accused person disclosed the name of eight accused persons. They did not disclose the name of the petitioner, during the investigation, the petitioner has been made accused in Malaypur P.S. Case No.57 of 2021.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) in the account of Member Secretary Bihar State Legal Services Authority, bearing No. 0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Considering the facts and circumstance of the case, let the above named petitioner, 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 the learned



court below where the case is pending/successor court in connection with Malaypur P.S. Case No. 58 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Member Secretary Bihar State Legal Services Authority, Patna.

(Anjani Kumar Sharan, J)

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