

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41774 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- MORO District- Darbhanga

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KANISHK KUMAR S/o Late Janardhan Thakur R/o village- Gohi, Post-
Gohi, P.S.- Warishnagar, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad

For the Opposite Party/s : Mr. Md. Mushtaque Alam

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-10-2022 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 420, 467,
468, 471, 34 of the Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that
petitioner is innocent and has been falsely implicated in this
case. He submits that there is no recovery from the conscious
possession of the petitioner rather 3585.280 liters of foreign
liquor is said to have recovered from the vehicle. He submits



that the petitioner is the owner of the said vehicle. He submits that one Vikram Kumar Sahni hired the vehicle from the driver without any knowledge of the petitioner. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 40,000.00 (Rupees Forty 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 Moro P.S. Case No. 13 of 2022, 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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