

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43436 of 2022

Arising Out of PS. Case No.-791 Year-2021 Thana- AHYAPUR District- Muzaffarpur

GAURI SHANKAR @ HARI SHANKAR PRASAD @ GAURISHANKAR
KUSHWAHA S/o Rangila Bhagat R/o village- Mustafapur, P.S.- Ahiyapur,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar

For the Opposite Party/s : Mr. H.A. Khan

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-10-2022 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects within four weeks.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Act.

Altogether 38.400 litres of foreign is said to have been recovered from a banana orchard.

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 basis of secret information. 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 recovery has been made from the joint open banana field of the petitioner. There is no compliance of section 100 of Cr.PC. Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.30,000/- (Rupees Thirty 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 Ahiyapur P.S. Case No.791 of 2021, 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.30,000.00/- (Rupees Thirty Thousand) in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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