

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53137 of 2021

Arising Out of PS. Case No.-69 Year-2021 Thana- KARAKAT District- Rohtas

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Dhiraj Kumar S/O Suryadev Saw @ Suryadev Prasad R/O Village-Lohrahi,
P.S-Chhatarpur, District-Palamu (JHARKHAND).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh

For the Opposite Party/s : Mr.Bishweshwar Ram

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-02-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

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 Section 30(a)
(c)/33/36 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 2000 liters of crude spirit in
50 gallons and 500 empty bottles of Crazy Romeo Whisky are
said to have been recovered from the vehicle. He submits that



petitioner was not aware about carrying illegal liquor by his driver on the vehicle. He submits that petitioner was not present on the pickup van when it was caught by the police nor was driving his vehicle. He submits that seized vehicle is commercial vehicle which carry only goods loaded by any person. 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. 1,00,000.00 (Rupees One Lac) in the Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road Patna, bearing Saving Account No. 35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code- 153, IFSC Code-SBIN0000153.

Considering the facts and circumstances of the case, 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 Karakat P.S. Case No. 69/2021, 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. 1,00,000.00 (Rupees One Lac) in the Bihar Kishore Nyay Nidhi, Patna.

(Anjani Kumar Sharan, J)

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