

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44405 of 2022**

Arising Out of PS. Case No.-260 Year-2022 Thana- AHİYAPUR District- Muzaffarpur

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ROHIT KUMAR S/O LAL BABU SAHNI R/O VILLAGE- SHEKHPUR  
DHAB, P.S.- AHİYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Shekhar Anand  
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      14-10-2022      Heard the parties through virtual court proceedings.

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)/36 of the Bihar Prohibition and Excise Act, 2016.

Altogether 198 litres of foreign liquor is said to have been recovered from the Bamboo orchard (Bans Bitti) situated behind the house of petitioner and one person was apprehended on spot who disclosed the name of petitioner who fled away from the spot.

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 the statement of apprehended co-accused. 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 said article has been kept in the bamboo bush by some miscreants without his knowledge. There is no compliance of section 100 of the Cr.P.C. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.25,000/- (Rupees Twenty Five 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.260 of 2022, 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.25,000.00/- (Rupees Twenty Five Thousand) in the Bihar State Legal Services Authority.

**(Anjani Kumar Sharan, J)**

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