

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55195 of 2021

Arising Out of PS. Case No.-5 Year-2018 Thana- RAMKRISHNANAGAR District- Patna

Jai Shankar @ Amit Kumar Singh S/O Late Ashok Kumar Singh @ Ashok Singh R/O Ashok Niwas, New Brahampur, Opposite London Clinic, Khemnichak, Mangal Chowk, New Jaganpura, District-Patna-800027 At Present Residence Of Anand Path, Ashoka Niwas, Mahatma Gandhi Road, P.S-Agamkuan, District-Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K.

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Ramkrishna Nagar P.S. Case No.05 of 2018, registered for the offences punishable under Sections 420, 379, 411 of the Indian Penal Code and Sections 30(a) and 47 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that there is no recovery from the conscious possession of the petitioner rather 1.800 litres of foreign liquor and other articles have been recovered from shop of the co-accused. It is submitted that the mother of the petitioner is the owner of the shop and she has



given her shop to the co-accused on rent. The petitioner has annexed *Kirayanama* of the said shop as Annexure-2 to this bail application. Petitioner is the elder son of the owner of the shop, therefore, he has also been made accused in the present case. It is submitted that petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is ready to deposit a sum of Rs.10,000/- (rupees ten thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Considering the fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, 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 learned Special Judge, Excise Act, Patna in connection with Ramkrishna Nagar P.S. Case No.05 of 2018,



subject to the conditions:

(1) Laid down under Section 438(2) of the Cr.P.C.

(2) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bond.

(4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.10,000/- (rupees ten thousand) in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

(Anjani Kumar Sharan, J.)

Sanjay/-

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