

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45563 of 2022

Arising Out of PS. Case No.-101 Year-2022 Thana- SABAUR District- Bhagalpur

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Amar Kumar Son Of Gannu Mandal @ Ganouri Prasad Singh Resident Of
Village - Kasil, P.S.- Sabour (Goradih), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandrasekhar Sharma

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2022 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 Section 414 of the
Indian Penal Code and under 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 24 bottles wines of Royal Stage Premium Whisky (275 ml) is said to have recovered from the back side of the motor-cycle. He submits that one motor cycle driver, namely, Diwakar Kumar was apprehended from the place of occurrence. He further submits that Diwakar Kumar disclosed the name of the petitioner that he is involved in the present case. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

Learned APP for the state opposes the bail application and submits that from the perusal of the impugned order it is clear that the petitioner has one criminal antecedent.

Petitioner is agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten 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 Sabour (Goradih) P.S. Case No. 101 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 her 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.

Learned Court below is directed to verify the criminal



antecedent of the petitioner. If there is any criminal antecedent found, the bail bond of the petitioner would not be accepted.

(Anjani Kumar Sharan, J)

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