

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45987 of 2022

Arising Out of PS. Case No.-222 Year-2022 Thana- KOTWA District- East Champaran

VIJAY RAI Son of Ramchandra Rai @ Ramchandra Prasad Yadav R/v-
Koimgawa, P.S- Kotwa, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-10-2022 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 272, 273 of IPC and 30(a), 36, 41(i)(ii) of the Bihar Prohibition and Excise Act, 2016.

Altogether 277.875 litres of nepali foreign liquor is said to have been recovered from a truck. One person was apprehended from the spot and he disclosed the name of the petitioner.

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 statement of apprehended person. 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 alleged vehicle from which the liquor has been recovered does not belongs to the petitioner. Petitioner has two criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.40,000/- (Rupees Forty 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 Kotwa P.S. Case No.222 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.40,000.00/- (Rupees Forty Thousand) in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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