

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56181 of 2021**

Arising Out of PS. Case No.-29 Year-2021 Thana- BALIA BELON District- Katihar

AJIT KUMAR SON OF LATE RAMJEE MANDAL RESIDENT OF
VILLAGE - AYODHIYA GANJ BAZAR, P.S- KURSELA, DIST- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Ms.Sangeeta Sharma

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

3 25-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in Balia Belon
P.S. Case No.29 of 2021, registered for the offence punishable
under Section 30(a) 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 20 litres of foreign liquor has been recovered from the
motorcycle of the petitioner. It is further submitted that a
supplementary affidavit has been filed in which it is stated that
the said motorcycle was stolen on 30.04.2020 from the rental
house of Katihar and the petitioner informed about the theft of
the motorcycle to the Town P.S. Katihar on 02.05.2020, but the
police did not lodge the FIR. It is further submitted that the



petitioner is a government employee posted in Azam Nagar Block. It is lastly submitted that the 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 2nd Additional Sessions Judge-cum-Special Judge, Katihar in connection with Balia Belon P.S. Case No.29 of 2021, 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.)

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