

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49365 of 2022

Arising Out of PS. Case No.-204 Year-2022 Thana- UJIYARPUR District- Samastipur

RAKESH KUMAR S/o Lalji Rai R/o village- Barabata Tole Salempur, P.S.-
Musrigharari, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioner and
learned A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 30 (a) and
41 (2) (1) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 9 liters
of foreign liquor is said to have been recovered from the



motorcycle of the petitioner parked in unclaimed condition. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery in his motorcycle. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

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 Account No.0380000100252472, IFS Code: PUNB0038000, Punjab National Bank.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Court below where the case is pending/successor Court in connection with Ujiarpur P.S. Case No. 204 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C,



subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Member Secretary, Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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