

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50506 of 2022

Arising Out of PS. Case No.-537 Year-2021 Thana- PATLIPUTRA District- Patna

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ABHISHEK YADAV @ ABHISHEK KUMAR S/o Late Munna Yadav
Resident of Mohalla- Bhawar Pokhar, P.s.- Pirbahore, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard the parties through virtual court proceedings.

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 30(a), 41(1) of
the Bihar Prohibition and Excise Act, 2016.

Altogether 3.4 litres of English liquor is said to have been
recovered from a hotel's Room No. 303. All the persons fled
away from the spot jumping the wall behind the hotel..

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 confessional statement of Guard Mukesh Kumar. Petitioner



has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Though the petitioner is the owner of the hotel, he has no concern either with the seized liquor or any trade of liquor. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.50,000.00/- (Rupees Fifty Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

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 Patliputra P.S. Case No.537 of 2021, 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.50,000.00/- (Rupees Fifty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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