

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9184 of 2021

Arising Out of PS. Case No.-325 Year-2019 Thana- HUSSAINGANJ District- Siwan

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Gaurav Singh @ Ankit Kumar Singh, Son of Vijay Singh, R/o Village Renua,
P.S.- Hussainganj, Dist- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary

For the Opposite Party/s : Mr. Nand Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-01-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of normal court proceedings. 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 Hussainganj P.S. Case No.325 of 2019, registered for the offences punishable under Sections 272, 273, 420, 34 of the Indian Penal Code and 30(a), 38(1) and 41(i) of the Bihar Prohibition and Excise Act.

4371.840 liters of country made/foreign liquor is said to have been recovered from a truck and the petitioner managed to escape.

It is submitted by learned counsel for the petitioner that



no incriminating article has been recovered from conscious physical possession of the petitioner. He has no concern either with the seized liquor or the place of recovery or any trade of liquor or the truck in question. He has been falsely implicated in this case due to animosity at the instance of the *Chaukidar*. No independent witness has come forward to support the case of the prosecution. He was not apprehended at the spot. The petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail of the petitioner.

Petitioner is agree to deposit a sum of Rs.50,000/- (rupees fifty 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.

In the facts and circumstances of the case, 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 Additional District & Sessions Judge-IInd-cum-Special Judge (Excise), Siwan in connection with



Hussainganj P.S. Case No.325 of 2019, 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 bonds.
- (4) The bail bond of the petitioner shall be accepted by learned court below on showing receipt of deposit of Rs.50,000/- (rupees fifty 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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