

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53128 of 2022**

Arising Out of PS. Case No.-145 Year-2020 Thana- JAHANABAD District- Jehanabad

GAURAV KUMAR @ GIRJESH KUMAR @ GIRIJESH KUMAR Son of
Kishori Sharma R/V- Ginjee, P.S- Ghoshi, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Surendra Prasad Singh

**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) of the Bihar Prohibition and Excise Act-2018.
- Altogether 465 litres of country made liquor is said to have been recovered from the shop and house of the accused Raushan Kumar. Raushan Kumar and one person were apprehended on the spot.
- 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 apprehended co-accused. 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. Petitioner is not the owner of the said shop and the house from where illegal liquor trading is being carried out. Petitioner has nine criminal antecedents. Out of 9 criminal antecedents, seven are similar in nature.

Petitioner is agreed to deposit a sum of Rs.1,00,000.00/- (Rupees One Lac) 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 Shikarpur P.S. Case No.512 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.1,00,000.00/- (Rupees One Lac) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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