

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66890 of 2021

Arising Out of PS. Case No.-351 Year-2021 Thana- TAJPUR District- Samastipur

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MOHAN KUMAR Son of Ram Naryan Singh Resident of Village -
Chandauli, Ward No. 5, P.S. - Tajpur (Waini), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

The petitioner apprehends his arrest in Tajpur (Waini
O.P.) P.S. Case No.351 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 16.44 litres of illicit liquor has been recovered from the
fodder house of co-accused, Surendra Singh. It is further
submitted that the petitioner is said to have fled away from the
place of occurrence after seeing the police. 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.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.

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 A.D.J.-II-cum-Special Judge, (Excise Act), Samastipur in connection with Tajpur (Waini O.P.) P.S. Case No.351 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.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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