

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68058 of 2021

Arising Out of PS. Case No.-363 Year-2021 Thana- BHORE District- Gopalganj

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GANESH JAISHWAL S/o Late Sharda Jaishwal R/o village- Bhorey, P.S.-
Bhorey, District- Gopalganj

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Ms.Asha Kumari

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-04-2022 Heard the parties through virtual Court proceedings.

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

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under sections 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

Altogether 40.680 litres and 51.600 litres of country made liquor is said to have been recovered from two motorcycles and one person was apprehended while he confessed that the petitioner and others fled away from the spot leaving behind the other motorcycle.

Learned counsel for the petitioner submits that petitioner



is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case merely on suspicion. Only on the basis of the confessional statement of the co-accused petitioner has been made accused in this case. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor. The recovery is said to have been made from two motorcycles but no motorcycle belongs to the petitioner. Petitioner has two criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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 Bhorey P.S. Case No.363 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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.30,000.00/- (Rupees Thirty Thousand) in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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