

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60443 of 2022

Arising Out of PS. Case No.-719 Year-2021 Thana- HISUWA District- Nawada

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Anil Kumar S/O Vijay Prasad Resident Of Village- Surhi Tola, Panchu
Kachehri, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mrs. Suman Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-11-2022 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Earlier prayer for bail of the petitioner was permitted to be withdrawn as the petitioner has already been apprehended by the police in another case.

Learned counsel for the petitioner submits that the petitioner moved second time before this Court for grant of anticipatory bail on the fresh ground that during pendency of the earlier anticipatory bail vide Cr. Misc. No. 33741 of 2022, petitioner was apprehended by the police on 28.06.2022 in another case i.e. Kaimur Bhabua P.R. Case No. 150 of 2022, due to which the aforesaid Criminal Miscellaneous became infructuous and permitted to be withdrawn. He further submits



that during the period of his detention in Kaimur Bhabua P.R. Case No. 150 of 2022, he was not remanded in Hisua P.S. Case No. 719 of 2021 and later on petitioner has been released on bail on 22.08.2022. The police is searching the petitioner in Hisua P.S. Case No. 719 of 2021. Hence, the petitioner has renewed his prayer for anticipatory bail second time with fresh ground.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 40.410 liters of foreign liquor is said to have been recovered from the house of co-accused Vikram Sao. He submits that there is no compliance of Section 100 of the Cr.P.C. He submits that petitioner has been made accused in this case on the statement of co-accused who has inimical term with the petitioner. He further submits that petitioner has two criminal antecedents as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) in the Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.



Considering the facts and circumstance of the case, let the above named petitioner, 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 the learned court below where the case is pending/successor court in connection with Hisua P.S. Case No. 719 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to who 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.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid



amount in the account of Patna High Court Legal Services
Committee, Patna.

(Anjani Kumar Sharan, J)

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