

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61236 of 2022

Arising Out of PS. Case No.-217 Year-2021 Thana- BENIPATTI District- Madhubani

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MUKESH KHATBE @ MUKESH DAS S/O Kuldeep Khatve @ Kuldeep
Das R/O Village- Bishanpur, P.S- Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ravindra Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2022 Heard the parties through virtual Court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 272, 273, 120(B) of IPC and u/s 30(A), 41 of the Bihar Prohibition and Excise Act, 2018.

Altogether 1551.375 liters of foreign liquor is said to have been recovered from the spot. The police apprehended few persons from the spot and they disclosed the name of the petitioner.

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 due to ulterior motive. His name transpired in the case because of the statement of apprehended persons. 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 illicit liquor has been recovered from brick kiln of co-accused and a truck, and the petitioner is not the owner of the truck. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.50,000.00/- (Rupees Fifty Thousand) 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 Benipatti P.S. Case No.217 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.50,000.00/- (Rupees Fifty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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