

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64837 of 2022

Arising Out of PS. Case No.-628 Year-2022 Thana- ALAMGANJ District- Patna

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DIPAK KUMAR S/O LALAN SHARMA Resident of Pitambar Mandir Colony, Gur Ki Mandi, P.S.- Alamganj, District- Patna, Owner of Motorcycle bearing reg. no. BR01FR8096, Chassis No- ME4JC83DENG068759 Engine No. JC83DENG068759

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kritu Verma, Adv.

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-12-2022 Heard the parties through virtual court proceedings.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable u/s 30(a), 32 and 36 of the Bihar Prohibition and Excise Act.

Altogether 24 litres of country made liquor is said to have been recovered from the motorcycle and one person was 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 due to local politics. His name has been transpired in this case because he is the owner of said motorcycle. 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 the owner of the said motorcycle. It is further stated during course of learning to drive motorcycle, his leg was injured hence he delivered his motorcycle to Pawan Kumar for purchase of medicine and resting at house. After one hour when petitioner searched his motorcycle got information that his motorcycle has been seized by police. From the perusal of case diary, it is evident that no any single word mentioned in case diary in connection with alleged crime against the petitioner. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000.00/- (Rupees Twenty 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 Alamganj P.S. Case No.628 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.20,000.00/- (Rupees Twenty Thousand) in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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