

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3070 of 2023

Arising Out of PS. Case No.-27 Year-2022 Thana- DHANARUA District- Patna

SHASHI RANJAN KUMAR SON OF NARESH YADAV @ NARESH PRASAD R/O VILLAGE- MAKHDUMPUR, P.S.- DHANARUA, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-04-2023 At the outset, learned counsel for the petitioner has filed supplementary affidavit in Court today stating therein that the petitioner undertakes to deposit Rs.2,00,000/- (Rupees Two Lakhs) as per the direction of the Hon'ble Court.

Let the supplementary affidavit be kept on record.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 30(a)/36/41(i)(ii) of Bihar Prohibition and Excise Act.

4733.580 litres and 103.680 litres of foreign liquor has been recovered from a truck as also from an auto.

Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner has got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement of the co-accused. It is further submitted that there is no recovery from conscious possession of the petitioner.

Learned APP for the State opposed the prayer for grant of anticipatory bail to the petitioner by submitting that petitioner is the member of the syndicate involved in purchasing and selling of illicit liquor.

Petitioner is agree to deposit a sum of Rs.2,00,000/- (rupees two lakhs) in the account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC Code: SBIN0010340, High Court Campus Branch, Patna.

Taking into consideration the facts aforesaid, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of eight 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 Special



Judge, Excise Act, Patna in connection with Dhanarua P.S. Case No.27 of 2022, giving rise to Special Case No.397 of 2022, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the learned court below on showing receipt of deposit of the aforesaid amount in Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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