

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4052 of 2023**

Arising Out of PS. Case No.-292 Year-2022 Thana- DIGHWARA District- Saran

Balmiki Kumar Son Of Braj Bihari Prasad R/O Hematpur, Ward No.12, P.S.-  
Dighbara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar Jha  
For the Opposite Party/s : Mr.Akshay Lal Pandit

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      27-03-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

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

Learned counsel for the petitioner submits that 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 liters of country made liquor is said to have recovered behind the temple. He submits that the petitioner has nothing to do with the trade and transport of the illicit liquor neither the petitioner is resident of village- Raipatti nor the land from where recovery has been made belongs to the petitioner. He submits that the petitioner has been



implicated in this case due to dirty village politics. He further submits that petitioner has got one criminal antecedent of similar nature as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, 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 Dighwara P.S. Case 292 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(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.

(2) 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 her 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 deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

**(Anjani Kumar Sharan, J)**

anand/-

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