

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6296 of 2023

Arising Out of PS. Case No.-135 Year-2022 Thana- LALGANJ District- Vaishali

RAJESH KUMAR S/O JALANDHAR SAHNI Resident of Village-
Salempur, P.S.- Lalganj, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shyameshwar Kumar Singh, Adv.
For the Opposite Party/s : Mr.Shiwesh Chandra Mishra, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-04-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 414 of the Indian Penal Code and 30 (a) of the Bihar Prohibition and Excise Act.

Altogether 1.500 ml illicit liquor has been recovered from a Scorpio. All the five accused persons succeeded in fleeing away. Local people has disclosed the name of the petitioner as one of the escaped persons.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner rather the illicit liquor is said to have been recovered from a Scorpio. Petitioner has no



concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Neither the petitioner is owner nor the driver of the said car. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. There is nothing on record to indicate the complicity of the petitioner barring the statement of the local people. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Having regard to the facts and circumstances of the case, 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) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/successor Court in connection with Lalganj P.S. Case No. 135 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) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(2) 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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