

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5870 of 2023

Arising Out of PS. Case No.-170 Year-2022 Thana- RAJEPUR District- East Champaran

1. Angad Kumar S/O Basdev Prasad R/V- Sidhauriya, P.S.- Rajepur, District- East Champaran
2. Arun Prasad @ Arun Kumar S/O Ramdeo Bhagat R/V- Sidhauriya, P.S.- Rajepur, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no. 2 submitting that during pendency of this application the petitioner has already been apprehended by the police.

Permission is granted.

Accordingly, this application with regard to petitioner no.2 is dismissed as withdrawn.

Now this application is being heard only with regard to petitioner no.1.

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 Sections 272 and 273 of the



Indian Penal Code and 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 362.880 liters of foreign liquor is said to have recovered from the hut of co-accused Manish Kumar. He submits that the petitioner is not the owner of the alleged hut. The petitioner has no concern with the alleged liquor. He submits that the petitioner has been made accused in this case on the basis of disclosure of villagers. 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.50,000/- (Rupees Fifty Thousand) in Bihar State Bar Council Welfare Fund, Patna, 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 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 Rajepur P.S. Case No. 170 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 his 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 Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

anand/-

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