

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4720 of 2023**

Arising Out of PS. Case No.-320 Year-2021 Thana- GUTHANI District- Siwan

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RAM PRASAD KUSHWAHA S/O LATE SANGAM @ SANGAM  
KUSHWAHA R/v- Deruo Mahu, P.O.- Maluapatan, P.S.- Deoria, District-  
Deoria (UP).

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Kant

For the Opposite Party/s : Mr.Anand Kishore Choudhary

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

2      07-04-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

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

3.600 litres of illicit foreign liquor has been recovered  
from a bike (VIKI).

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 petitioner is made  
accused in the present case as the registration of the said bike



(VIKI) is in the name of the petitioner. It is also submitted that petitioner has already sold his vehicle to co-accused, Ashok Gupta two years before. It is lastly submitted that there is no recovery from conscious possession of the petitioner.

Petitioner is agree to deposit a sum of Rs.10,000/- (rupees ten thousand) 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 fact that there is no recovery from the conscious possession of the petitioner, let petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six 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 Excise Court-1, Siwan in connection with Guthani P.S. Case No.320 of 2021, 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)**

S.KUMAR/-

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