

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8816 of 2023

Arising Out of PS. Case No.-158 Year-2021 Thana- PANAPUR District- Saran

ANAND KUMAR Son of Bharat Prasad Yadav @ Ray Bharat R/v-
Baikunthpur, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhakar Singh, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-04-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner apprehends his arrest in connection with a
case registered for the offence punishable u/s 30(a) of the Bihar
Excise and Prohibition Act, 2016.

3. Altogether 1 litre of country made liquor is said to have
been recovered from a motorcycle and one person was
apprehended on spot, who disclosed that petitioner is the owner
of the said motorcycle.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has not committed any offence
as alleged in the FIR. Petitioner has been falsely implicated in
this case at the instance of his enemies. His name transpired in
this case on the basis of disclosure of apprehended co-accused.



Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor. Though the said motorcycle belongs to the petitioner but he had sold the same to one Sunil Yadav on 04.08.2018, who was apprehended on the spot. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

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

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Panapur P.S. Case No.158 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:



(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how 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.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory bail on the ground of misuse.

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

(Anjani Kumar Sharan, J)

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