

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32597 of 2023

Arising Out of PS. Case No.-206 Year-2023 Thana- ARA NAGAR District- Bhojpur

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1. SANJAY BIND @ SANJAY KUMAR Son of Sharda Bind @ Sharada Bin R/V- Ujiyartola Bind Toli, PS- Ara Town, Dist- Bhojpur at Ara
 2. Vishal Bind Son of Gorakh Bind R/V- Ujiyartola Bind Toli, PS- Ara Town, Dist- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar
For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-09-2023 This case has been listed under the heading ‘*To Be Mentioned*’ at the instance of learned counsel for the petitioner.

2. Heard learned counsel for the petitioners and learned APP for the State.

3. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2, submitting that during pendency of this application the he has already been apprehended by the police.

4. Permission is granted.

5. Accordingly, this application as against the petitioner no.2 is dismissed as withdrawn.



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

7. The petitioner no.1 apprehends his arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018.

8. Altogether 210 liters of country made liquor is said to have been recovered from an auto. One person was apprehended from the spot and he disclosed the name of the petitioner.

9. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of statement of apprehended co-accused. Petitioner has no criminal antecedent.

10. Petitioner no.1 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing



Account No.1413010060836, IFSC Code: PUNB0141320,
Punjab National Bank, Bar Council Branch, Patna.

11. Having regard to the facts and circumstances of the case, let the above named petitioner no.1, 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 learned Court below, where the case is pending/Successor court, in connection with Ara Town P.S. Case No.206 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with 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.



12. The bail bond of the petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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