

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31232 of 2022

Arising Out of PS. Case No.-11 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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SHANKAR SINGH S/o Late Rajeshwar Singh Resident of Village-
Dariyapur, P.S.- Barahiya, District- Lakhsarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect (s) within four weeks.

The petitioner apprehend his arrest in a case registered
for the offences punishable under Sections 30 (a), 41 and 56(a)
of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioner
that no incriminating article has been recovered from the
conscious physical possession of the petitioner rather 501 liters
of foreign liquor is said to have been recovered from an open
field. He has no concern either with the seized liquor or any
trade of liquor. He submits that the petitioner is the *battaidar* of



the said field. As a matter of fact the said field is an open place and easily accessible to anyone, he has been falsely implicated in this case at the behest of the Mukhiya, to whom he has not supported in Panchayat election. He submits that the petitioner has got no criminal antecedent as stated in para 3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, 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 petitioners, be released on bail, in the event of their 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 the learned Court below where the case is pending/successor Court in connection with Case No.11C2/21 dated 20.01.2021, 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 her 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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