

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37920 of 2022

Arising Out of PS. Case No.-246 Year-2021 Thana- MUFFASIL District- Aurangabad

HEMSAGAR BISI SON OF CHANDRASEKHAR BISI R/O VILLAGE-
BHANGKUD, P.S.- BHEDEN, DISTRICT-BARAGADH (ORISSA).
PRESENTLY RESIDING AT VILLAGE- GIDDI A, P.S.- KEREDARI,
DISTRICT- HAZARIBAGH (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari

For the Opposite Party/s : Mrs. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-02-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case
registered for the offence punishable under 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 30 liters of country-made
liquor is said to have recovered from the motorcycle of the
petitioner. He submits that the real fact is that one person has
been apprehended by the police along with motor-cycle. He
submits that petitioner is the owner of the said motor-cycle,



therefore, he has made accused in this case. He submits that on 03.09.2021 prior to the date of alleged occurrence the motor-cycle of the petitioner was looted/snatched and thereafter the petitioner had lodged an FIR which was registered as Keredari P.S. Case No. 97/2021 u/s 392 of IPC. He further submits that petitioner have got no criminal antecedent as stated in para-3 of the bail application.

Petitioner 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.

Considering the facts and circumstance of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, 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 the learned court below where the case is pending/successor court in connection with Aurangabad Mufassil P.S. Case No. 246 of 2021, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(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.

(II) 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 petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna

(Anjani Kumar Sharan, J)

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