

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40005 of 2023

Arising Out of PS. Case No.-123 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

AKHILESH PRATAP SINGH S/O RAM KUMAR SINGH R/O Mohalla-
143, Lalganj, Bemoura, PS. Mahesh Khera, Dist. Rai Bareli (Uttar Pradesh)
... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Subhash Kumar Tiwari, Adv. Mr. Ajay Kumar Singh, Adv.
For the Opposite Party/s :		Ms.Sharda Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In compliance of order dated 28.07.2023, learned counsel for the petitioner has filed a supplementary affidavit in the present case, stating therein that the petitioner is voluntarily ready to deposit Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) in Patna High Court Legal Services Committee.

3. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a), 36, 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

4. The prosecution case is that during routine checking, police team intercepted a Pickup bearing Reg. No. UP65GT1390 and recovered about 2250.36 litres illicit liquor



from the same. Two persons were apprehended on the spot.

5. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. He has been made accused in the present merely because he is owner of the seized vehicle. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

6. Petitioner is agreed to deposit a sum of Rs.1,50,000.00 (Rupees One Lakh Fifty Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

7. Having regard to the facts and circumstances of the case, let the above named petitioner, 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 Mohaniya P.S. Case No. 123 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

8. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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