

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43423 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BIHTA District- Patna

PAPPU KUMAR son of Shiv Dayal Ray Mohalla- Ramnagar Ps- bihta Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Yadav

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 471, 120B of the IPC and Section 30 (a)(b)(c), 32(ii)(iii), 33, 36, 41(i)(ii), 44, 47 and 62 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. 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 2640 liters of spirit is said to have recovered from the godown. He submits that the petitioner had given the seized godown on rent to one Rajesh Kumar and the petitioner was fully unaware about the incriminating articles



seized from the godown. He further submits that the similarly situated co-accused have been granted bail by the co-ordinate bench of this Court as enclosed in Annexures- 2, 3 and 3/1 of the bail application. The petitioner has no criminal antecedent as stated in para-3 of the bail application.

4. Petitioner is agreed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Learned A.P.P. for the State opposes prayer for anticipatory bail and submits that the petitioner is the owner of the godown from which huge amount of spirit along with other incriminating articles were recovered from his godown. Hence, he does not deserve privilege of anticipatory bail.

6. 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 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 the learned Court below where the case is pending/successor Court in connection with Bihta P.S. Case No.23 of 2023, 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 his 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.

7. The bail bond of the petitioner 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/-

U		T	
---	--	---	--

