

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43262 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- YADOPUR District- Gopalganj

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Jagjitan Kumar S/O Harinarayan Madeshiya, R/O Village- Malahi Tola, PS. Thakraha, Dist. -Bettiah (West Champaran).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Harendra Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Jadopur P.S. Case No. 224 of 2022 dated 25.12.2022, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018, pending in the learned Court below.

3. As per the prosecution story, upon seeing the informant and other police personnel, the co-accused persons fled away while leaving their motorcycles. It is further alleged that two motorcycles were seized and 153 litres of illicit liquor was recovered from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case and the petitioner has no criminal antecedent as mentioned in para-3 of the

bail application. It is further submitted that the police recovered 81 litres of country-made liquor from the motorcycle of the petitioner and 72 litres of liquor from another motorcycle. Learned counsel for the petitioner further submits that the petitioner is a photographer and on 21.11.2022 the petitioner was engaged in photography in the marriage ceremony at the house of one Badari Gond, Kushinagar, U.P. and during the course his motorcycle bearing registration no. BR22 AS-1788 was alleged to be theft by an unknown accused person and when he came to know that his motorcycle was missing, the petitioner filed a petition before the police station for registration of the case against the theft of the motorcycle. He also filed the same through the online portal as mentioned in the Annexure-2 of the bail application.

5. Petitioner has 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.

6. Learned APP for the State opposes the prayer for bail.

7. Considering the facts and circumstances of the case and the fact that petitioner has no criminal antecedent and nothing has been recovered from his conscious possession, I am

inclined to grant anticipatory bail to the petitioner. Accordingly, 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 **Jadipur P.S. Case No. 224 of 2022**, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further conditions:

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

(ii) The petitioner will 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 the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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