

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52027 of 2023

Arising Out of PS. Case No.-137 Year-2023 Thana- DEV District- Aurangabad

Rajesh Kumar @ Rajesh Ram, S/O Suryadeo Yadav, R/O Village- Turkabara,
P.S.- Dhibra, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Deo P.S. Case No. 137 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that the instant matter relates to the recovery of 30 litres of country-made liquor. He submits that only 8 litres of country-made liquor is said to have been recovered from a motorcycle which belongs to this petitioner. He submits that the allegation against the petitioner is that after seeing the police party, he managed to flee away from the place of occurrence. He



submits that no such occurrence as alleged in the FIR took place. He submits that the police falsely implicated the petitioner in the present case in retaliation for an altercation taken place on account of police's vehicle being dashed against the motorcycle of the petitioner. He submits that the petitioner was not apprehended at the spot and no incriminating material was recovered from his conscious possession. He submits that there is no independent witness of the search and seizure rather the witnesses are police personnel. He further submits that petitioner has no criminal antecedent as stated in para-3 of the bail application.

4. Petitioner has agreed to deposit a sum of Rs. 10,000/- (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.

5. Considering the facts and circumstances of the case and the fact that nothing has been recovered from the conscious possession of this 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 Deo P.S. Case No. 137 of 2023, 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 themselves in any similar offence till conclusion of the trial.

6. 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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