

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51468 of 2023

Arising Out of PS. Case No.-134 Year-2023 Thana- BARBIGHA District- Sheikhpura

UDAY KUMAR Son of Damodar Sharma Resident of village - Teyai (Tehay),
P.s. - Pasraha, Distt. - Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 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 u/s 30 (a), 41(1), 32(2) of Bihar
Prohibition and Excise Amendment Act, 2018.

3. Altogether 1870.5 liters of foreign liquor is said to have
been recovered from the Tata 712 DCM vehicle of the
petitioner.

4. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and has committed no offence.
No incriminating article has been recovered from the conscious
physical possession of the petitioner. He has no concern either
with the seized liquor or any trade of liquor. He has been falsely
implicated in this case at the instance of his enemy. He was not



apprehended on the spot and his name transpired in the case only on the basis that that he is the owner of the said vehicle but the same had been given to one Akhilesh Kumar and the said Akhilesh Kumar handed over the vehicle to the driver. Petitioner has no criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.75,000.00 (Rupees Seventy Five 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. 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 Barbigha (Keoti O.P.) P.S. Case No.134 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to



how 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) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory 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 aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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