

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61227 of 2023**

Arising Out of PS. Case No.-317 Year-2022 Thana- MURLIGANJ District- Madhepura

AWADH KISHOR @ AWADH KISHOR KUMAR S/O JEET LAL MAHTO
@ JIU LAL MAHTO R/O VILLAGE- BHATIN PS. HANSDIHA, DIST.
DUMKA (JHARKHAND)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmatma Singh, Adv.

For the Opposite Party/s : Mr.Arun Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 07-10-2023 Heard learned counsel for the petitioner and learned APP
for the State.

2. Petitioner apprehends his arrest in connection with a case
registered for the offence punishable u/s 30(a), 32(i)(ii), 36, 41
of the Bihar Prohibition and Excise Amendment Act-2018.

3. Altogether 267.750 litres of foreign liquor is said to have
been recovered from a Scorpio vehicle and nine persons were
apprehended from the spot and one person disclosed the name
of the petitioner as their associate.

4. Learned counsel for the petitioner submits that petitioner
is quite innocent and has not committed any offence as alleged
in the FIR. Petitioner has been falsely implicated in this case at
the instance of his enemies. His name transpired in this case on



the disclosure of his name by one apprehended co-accused. Petitioner has neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. He has no concern either with the seized liquor or any trade of liquor or the vehicle of recovery. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the aforesaid facts and circumstances, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Murliganj P.S. Case No.317 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also 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 the aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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