

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62020 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- MADHWAPUR District- Madhubani

Anjani Kumar, S/O Sri Umashankar Ray, R/O Village- Aurai, P.S- Aurai,
Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sagar Kumar, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Madhwapur P.S. Case No. 57 of 2023, registered for the alleged offences under Sections 272, 273, 414 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, police intercepted a Swift Dzire car and from the said car, recovery of 12 liters of Nepali beer was made and the co-accused Vibhishan Yadav was arrested. The petitioner is said to be the owner of the vehicle.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner is the registered owner of the vehicle and he



was not aware about any contraband being carried in the car and he has nothing to do with the alleged recovery. The learned counsel further submits that the petitioner is an Army-man and he was on duty and a copy of the certificate to this effect has been annexed with the petition. The learned counsel further submits that in fact, the co-accused is brother-in-law of this petitioner and he was taking his wife, the sister of the petitioner to the hospital while the car was intercepted and the petitioner was surprised to know about seizure of his car for carrying illicit liquor. Thus, learned counsel submits that no recovery of illicit beer has been made from the physical or constructive possession of the petitioner. The petitioner is having clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that petitioner was not apprehended from the spot and no recovery has been shown from his conscious possession and further considering the fact that the petitioner is said to be the registered owner of the car and he is said to be present on duty in the Indian Army and also considering the clean antecedent of the petitioner, let the petitioner, above named, in the event of his



arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Act, Madhubani, in connection with Madhwapur P.S. Case No. 57 of 2023, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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