

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68710 of 2022

Arising Out of PS. Case No.-203 Year-2017 Thana- UCHKAGAON District- Gopalganj

Arun Kumar Sah @ Arun Kumar Son Of Late Gulab Chand Sah @ Late
Fantu Sah R/V- Gajadhar Tola, P.S.- Thawe, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pritish Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-02-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273, 420, 414 and 34 of the Indian Penal Code and Sections 30 (a), 37(b) of the Bihar Prohibition and Excise Amendment Act 2016.

Allegation against the petitioner is that 117.720 liters of I.M.F.L has been recovered from the *dicky* of the petitioner's car.

It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 117.720 liters of foreign liquor is said to have been recovered from the dickey of the said Car bearing Reg. No. DL3CV9229.



Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not, specific rather general and omnibus in nature. He has submitted that the said vehicle does not belong to the petitioner but due to dirty village politics and previous enmity the apprehended person disclosed the name of the petitioner. He has been falsely implicated in this case at the instance of his enemy by planting the aforesaid recovery. He has further submitted that there is no recovery from the conscious possession of the petitioner. Petitioner has got one criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 30,000/- (Rupees Thirty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

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 Unchkagaon P.S. Case No. 203 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

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

(2) that the bailor shall also stated on affidavit that he will informant the court concerned if the petitioner is implicated in any other case of similar nature after her release in the present case and thereafter the Court Below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse..

The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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