

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69933 of 2022

Arising Out of PS. Case No.-711 Year-2022 Thana- BIHTA District- Patna

SHYAMAL KUMAR @ MINTU S/O Shashikant Sharma @ Shashikant
Singh R/O Village- Amahra, P.S- Bihta, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan

For the Opposite Party/s : Mrs.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) & 41 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 287.250 liters of foreign liquor is said to have recovered by the Police which was embedded beneath the soil just behind the Hotel and some liquor was also recovered from a Maruti Suzuki car which was parked just in front of the Hotel. He submits that one person was apprehended by the Police who disclosed the name of the



petitioner that petitioner is also involved in the present case. He further submits that petitioner is the owner of the said hotel titled as New Jaiya Food Court situated at opposite side of IIT, Bihta and the co-accused namely Raushan Kumar who is cook of Shivam Hotel's owner namely Amit Kumar and Dipak Kumar upon whom insistence the name of the petitioner was maliciously been roped in this case due to restaurant business rivalry. further submits that petitioner have got no criminal antecedent in similar nature as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty-Five Thousand) in the PM Cares Fund, bearing Account No. 2121PM20202, IFSC Code: SBIN0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID: pmcares@sbi.

Considering the facts and circumstance of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of eight 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 Bihta P.S. Case No. 711/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(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.

(II) that the bailor shall also stated on affidavit that he will inform 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 the aforesaid amount in the account of PM Cares Fund.

(Anjani Kumar Sharan, J)

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