

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73577 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- SARAI District- Vaishali

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GHANSHYAM KUMAR RAY son of Ram Praveswh Ray village-
Brahmottra Ps- Pandaul Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Earlier the bail application of the petitioner was rejected by this Court on 03.08.2023 passed in Cr. Misc. No.38602 of 2023. The petitioner has filed this second anticipatory bail application on the ground that his father is suffering from ailment and is under treatment and nobody is available in the family to look after him.

3. The petitioner apprehends his arrest in a case registered for the offences punishable u/s 420, 467, 468, 471, 120B of the IPC and 30 (a), 31, 32, 36, 41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 3627.36 liters of foreign liquor is said to



have been recovered from a truck. The driver of the truck was apprehended and he disclosed that the said illicit liquor was going to be delivered to the petitioner and other co-accused persons.

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 of disclosure of the apprehended driver of the truck. A supplementary affidavit is filed by the learned counsel for the petitioner and in the para-2 of the said affidavit it is stated that the petitioner is voluntarily agreed to deposit Rs.2,00,000/- (Rs. Two Lakhs). Petitioner has no criminal antecedent, which is also mentioned in para-3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs) in the account of Lawyer's Association Welfare/Benevolent Fund, Patna, bearing Account No.42335550065, IFSC Code: SBIN0010340, State Bank of



India, High Court Campus 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 Sarai P.S. Case No.235 of 2022, 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
amount in the Lawyer’s Association Welfare/Benevolent Fund,
Patna.

(Anjani Kumar Sharan, J)

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