

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68946 of 2022

Arising Out of PS. Case No.-605 Year-2021 Thana- MAHUA District- Vaishali

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NAGENDRA RAI Son of Late Rudal Rai R/v- Dhanraj Kanhauli, Ward No. 12, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Advocate

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

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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 Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Allegation against the petitioner is that he is hiding country made liquor and selling it.

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 30 liters of country made liquor is said to have been recovered from the field covered from the leaves of palm tree. 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 back of the house of the petitioner is an open field, there is palm tree and someone has hidden the alleged liquor and in league with police at the instance of his enemies informant concocted a false story and implicated the petitioner in the present case. He has further submitted that there is no recovery from the conscious possession of the petitioner. Petitioner has got no criminal antecedent as mentioned in para-3 of this application.

Petitioner is agreed to deposit a sum of Rs. 10,000/- (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 Mahua P.S. Case No. 605 of 2021, 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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