

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73090 of 2022

Arising Out of PS. Case No.-308 Year-2021 Thana- MAIRWAN District- Siwan

RAJAN MUKHERJI S/o Late U.P. Mukherji R/o C-17, Sector-27, Noida, P.S.
and Dist.- Gautam Buddha Nagar, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan, Adv.

For the Opposite Party/s : Mr.Asha Kumari, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual Court proceedings.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30 (a) of the Bihar
Prohibition and Excise Act, 2016.

Altogether, 272.760 litres of foreign liquor has been
recovered from a Car. Four persons were apprehended from the
spot.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner. Petitioner has no concern
either with the seized liquor or the place of recovery or any
trade of liquor. Petitioner has been falsely implicated in this



case at the instance of his enemy. It is further submitted that petitioner is not the owner of the car anymore as he had sold it to one Abhishek Kumar and handed over possession thereof after having received valuable consideration and the requisite papers for transfer of ownership of the car. He further submits that from the bare perusal of the FIR, it is evident that the petitioner was not present at the place of occurrence on the alleged date and time. Petitioner has no criminal antecedent as mentioned in para-3 of this 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: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

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 Mairwa P.S. Case No. 308 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) One of the bailors will be his own blood relative,
preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any
similar offence till conclusion of the trial.

The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipt of deposit of the
aforesaid amount in PM Cares fund.

(Anjani Kumar Sharan, J)

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