

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1725 of 2023**

Arising Out of PS. Case No.-247 Year-2022 Thana- BENIPATTI District- Madhubani

BAUA LAL RAUT @ BANTHA Son of Bishmbhar Raut Resident of Village
- Basaitha, P.S.- Benipatti, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 20-01-2023 Heard the parties through virtual mode.

Petitioner apprehends his arrest in connection with a case registered for the offence punishable under sections 272, 273/34 of IPC and 30(a) of the Bihar Prohibition and Excise Act, 2018.

Altogether 270 liters of Nepali liquor is said to have been recovered from a Scorpio vehicle.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. He has been falsely implicated in this case due to village politics. Petitioner has not been apprehended on the spot and has been made accused in this case only on suspicion. No incriminating article has been recovered from his conscious physical possession. Petitioner has no concern either with the seized liquor or any trade of liquor or the vehicle of recovery.



Petitioner has one criminal antecedent, as also mentioned in para-3 of the bail application and similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 13.01.2023 passed in Cr. Misc. No.70262 of 2022.

Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty 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 Benipatti P.S. Case No.247 of 2022, corresponding to G.R. No.1774 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.

(2) 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.

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

(Anjani Kumar Sharan, J)

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