

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78138 of 2023

Arising Out of PS. Case No.-197 Year-2019 Thana- MASHRAK District- Saran

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Arun Kumar Yadav @ Arun Ray son of Prashuram Ray village- Madhopur
Bara Ps- Taraiya Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Nalin Kumar, Adv.
For the Opposite Party/s	:	Mr. Humayou Ahmad Khan, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 272, 273 of the I.P.C. read with Sections 30, 30(a), 38, 41 of the Bihar Prohibition and Excise Act, 2016.

3. 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 2,000 liters of spirit have been recovered from a pick-up van. One person (driver) was apprehended on the spot who disclosed that the said illicit liquor belongs to the petitioner. Petitioner has no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioner is not specific rather



general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. Petitioner has one criminal antecedents as mentioned in para-3 of this application.

4. Learned APP for the State opposed the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.40,000.00 (Rupees Forty Thousand) in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

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 Mashrakh P.S. Case No. 197 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.



(ii) The petitioner shall not indulge himself in any similar offence till conclusion.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the afore-said amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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