

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1876 of 2023

Arising Out of PS. Case No.-374 Year-2022 Thana- MUFFASIL District- Aurangabad

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GAURI SHANKAR SAW @ GAURI SHANKAR SONI S/O BHAGWAN
SAW R/v-Ketaki, P.S.- Deo, District- Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Rupa Kumari, Adv.

For the Opposite Party/s : Mr.Damodar Prasad Tiwary, APP

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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 section 30(a) of the Bihar Prohibition and Excise Act.

Altogether 10 liters of country made liquor is said to have been recovered from the motorcycle of the petitioner.

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 ulterior motive. Petitioner has not been apprehended on the spot and has been made accused in the case on the basis that he is owner of the said motorcycle. It is submitted that petitioner sold the motorcycle in question to one Mandip Kumar on 11.06.2020 but he has not got transferred the owner book in his name.



Mandip Kumar is the owner of the vehicle from 11.06.2020 and he was apprehended on the spot along with one other accused person. There is no compliance of section 100 of the Cr.P.C. 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. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten 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 Muffasil P.S. Case No.374 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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