

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74640 of 2022

Arising Out of PS. Case No.-172 Year-2022 Thana- MAHESHKHUNT District- Khagaria

1. LAXMAN KUMAR Son of Nathu Singh Resident of Ward No.-13, Sah-dulchak, Khurd Sarai, P.S.- Mahua, District- Vaishali
2. SHIVAM KUMAR Son of Lalbabu Singh Resident of Village- Rusulpur, Obri, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harsh Vardhan, Adv

For the Opposite Party/s: Mr.Dilip Kumar No.1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2023 Heard the parties.

Learned counsel for the petitioners seek permission to withdraw this application as against the petitioner no.1, as he has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, this application as against the petitioner no.1 is dismissed as withdrawn.

Now, this application is being heard with respect to petitioner no.2 only.

The petitioner apprehends his arrest in a case registered for the offences punishable u/s 30 (a), 32(i)(ii), 41 of Bihar Prohibition and Excise Act, 2018.

Altogether 2500.26 liters of IMFL liquor is said to have been recovered from a truck. Two persons were apprehended on



the spot, who disclosed the name of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis statement of apprehended co-accused. The petitioner has no concern with the alleged truck from which the recovery has been made. Petitioner has three criminal antecedent.

Petitioner no.2 is agreed to deposit a sum of Rs.2,00,000.00 (Rupees Two Lakhs) 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 no.2, 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



Maheshkhunt P.S. Case No.172 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 no.2 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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