

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74494 of 2022

Arising Out of PS. Case No.-154 Year-2022 Thana- PANCHRUKHI District- Siwan

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SHAHABUDIN @ FIDU @ MD. SHAHABUDIN SAIFI Son of Md. Nejamuddin Resident of Village - Baishakhi Tole Takia, P.S.- Pachrukhi (Sarai O.P.), District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 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.

Allegedly, 16.300 litres foreign liquor and country made liquor has been recovered from the *Bathan* of petitioner, which is an open place. Two persons fled away 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 rather illicit liquor is said to have been recovered from *Bathan*. 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. His name has been falsely dragged in this case on the instance of the enemies of the petitioner, though the recovery is from the open place. He was not apprehended on the spot. He was identified by the local villagers. Petitioner has one criminal antecedent as mentioned in para-3 of this 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 Pachrukhi (Sarai O.P.) P.S. Case No. 154 of 2022, 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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