

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5746 of 2023

Arising Out of PS. Case No.-431 Year-2021 Thana- PATNA CITY CHOWK District- Patna

DHIRAJ KUMAR Son of Arvind Kumar @ Arvind Singh R/o Badalpur, P.O-
Gowasa, P.S- Badalpur, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhimanyu Deo

For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a), 32(1), 32(3), 41(1), 41(2) & 47 of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 3025.04 liters of foreign liquor are said to have recovered from the different vehicles. He further submits that 248 liters of foreign liquor was recovered from a tempo of which petitioner is the owner. He submits that petitioner is made accused in the present case because he is the



owner of the said tempo. He further submits that the said tempo was stolen by someone from the house of his driver, namely, Arjuv Prasad and for the same the petitioner has lodged a FIR bearing Ramkrishna Nagar P.S. Case No. 444/2021. He further there is no recovery made from the conscious possession of the petitioner. He submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

Petitioner is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Considering the facts and circumstance of the case and the fact there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Chowk P.S. Case No. 431 of 2021, subject to the condition as laid down under



Section 438 (2) of the Cr.P.C., with further conditions:

(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 the aforesaid amount in the account of Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

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