

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77395 of 2023

Arising Out of PS. Case No.-466 Year-2023 Thana- KUDHNI District- Muzaffarpur

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VIJAY KUMAR @ VIJAY RAI SON OF RAM BHAJAN RAY RESIDENT
OF VILLAGE- LADAURA, PS- KUDHANI (OP TURKI), DISTT-
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Yugal Kishore, Adv.

For the Opposite Party/s : Mr.Ahmad Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2023 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, 34 of the Indian Penal Code and 30 (a) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 7.380 litrer of illicit foreign liquor has been recovered from the place of occurrence. Two persons were apprehended on the spot and disclosed that they brought the said seized liquor from the petitioner.

4. 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. Petitioner has no concern either with the seized liquor or the place of recovery 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. He was not apprehended on the spot. He had not consumed liquor. He has been falsely implicated in the case on the basis of the confessional statements of the apprehended co-accused which have no evidentiary value in the eye of law. Petitioner has two criminal antecedents as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

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 Kudhani (Turki O.P.) P.S. Case No. 466 of 2023, 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.

7. The bail bond of the petitioner shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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