

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2762 of 2023

Arising Out of PS. Case No.-564 Year-2022 Thana- NAUTAN District- West Champaran

KAMESHWAR PANDEY SON OF BHARAT PANDEY R/O VILLAGE-
MANGALPUR, WARD NO.5, P.S.- NAUTAN, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra

For the Opposite Party/s : Mrs. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

Altogether 138.24 liters of foreign liquor is said to have
been recovered from an auto-rickshaw. The driver of the said
vehicle was apprehended on the spot and he disclosed the name
of the petitioner.

It is submitted by learned counsel for 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 of statement of apprehended co-accused. He further submits that the co-accused Kameshwar Ram has alleged that the auto-rickshaw belongs to the petitioner but the actual fact is that the petitioner is neither the owner of the alleged vehicle nor he is related with it in any way. Petitioner has two criminal antecedent.

Petitioner is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) 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, 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 Nautan P.S. Case No.564 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 aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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