

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79034 of 2023

Arising Out of PS. Case No.-150 Year-2023 Thana- CHACKMEHSI District- Samastipur

1. Dheeraj Kumar @ Dheeraj Pandit @ Dhiraj Kumar @ Dhiraj Pandit Son Of Dilip Pandit Resident Of Village - Mali Nagar, Dhubgama, P.S. - Chakmehsi, District - Samastipur
2. Niraj Kapar @ Niraj Kumar Son Of Gowri Kapar Resident Of Village - Bargama, Malinagar, P.S. - Chakmehsi, District - Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Raj, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-12-2023 Heard learned counsel for the petitioners and learned APP for the State.

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

3. Permission is granted.

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 Accordingly, the instant application as against the petitioner no.1 is dismissed as withdrawn.

5. Now, this application is being heard for consideration of anticipatory bail as against the petitioner no.2 only.

6. Heard learned counsel for the petitioner no.2 and



learned APP for the State.

7. The petitioner is apprehending his arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

8. 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 274.68 liters of illicit liquor is said to have recovered from a hut behind the house of the co-accused Rohit Kumar. He submits that allegation against the petitioner is that he along with other co-accused managed to run away from the place of occurrence. He submits that there is no recovery made from the conscious possession of the petitioner no.2. He further submits that petitioner has got no criminal antecedent as stated in para-3 of the bail application.

9. Petitioner no.2 is agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No. 3332964762, IFSC Code: CBIN0282779 (fifth character is zero), Central Bank of India, Chitkohra Branch.

10. Considering the facts and circumstance of the case, let the above named petitioner no.2, 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 Chakmehsi P.S. Case No. 150 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

11. 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 Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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