

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81501 of 2023

Arising Out of PS. Case No.-640 Year-2023 Thana- Excise P.S. District- Aurangabad

Pammi Kumari @ Pampi Kumari @ Shimpi Devi Wife Of Abhishek Sharma
@ Niraj Kumar, D/O Shaligram Singh Resident Of Village Dioura Post
Budhauri Ps Pakarivarawan Budhauri District Nawada Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanchay Srivastava, Adv.

For the Opposite Party/s : Mr. Arun Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-12-2023 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 u/s 30(a) and 30(c) of the Bihar Prohibition and Excise Act and under Rules 2(3), 3, 5(b), 18 and 22 of Bihar Excise (Mahua Flowers) Rules 2006.

3. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 2900 kg of Mahua flower and 900 ml of of country made liquor have been recovered from a Pick-Up van. No person was apprehended from the place of occurrence. Petitioner has no concern either with the seized liquor or any trade of liquor. He



further submits that petitioner had sold the vehicle in question to one Ajit Kumar by annexure-3 of the bail application. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner is quite innocent and has been falsely implicated in this case at the instance of his enemy. Petitioner was not apprehended on the spot. Petitioner has clean antecedents as mentioned in para-3 of this application.

4. Learned APP for the State opposed the prayer for bail of the petitioner.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) each in account of Mahavir Cancer Sansthan, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch.

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 Aurangabad, Excise P.S. Case No. 640 of



2023, subject to the condition as laid down under Section 438
(2) of the Cr.P.C, subject to the further conditions that

(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.

7. The bail bond of the petitioner shall be accepted by the
learned Court below on showing receipts of deposit of the
aforesaid amount in Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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