

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22009 of 2024

Arising Out of PS. Case No.-196 Year-2023 Thana- MAKER District- Saran

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LAL SAH @ BINAY KUMAR SAH SON OF LATE YOGENDRA SAH
RESIDENT OF VILLAGE - KISHUNPUR, P.S. - BHELDI, DISTRICT -
SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mr.Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-03-2024 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) of Bihar
Prohibition and Excise Act.

3. Altogether 2065 liters of illicit spirit is said to have
been recovered from the seized tractor.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. Petitioner is not named in the F.I.R. and has been
falsely implicated in this case merely on the basis of
confessional statement of co-accused namely Sanoj Kumar Ram
@ Sukal Ram. No incriminating article has been recovered from



the conscious physical possession of the petitioner. He has no concern either with the seized spirit or any trade of spirit/liquor. There is no compliance of section 100(6) of the Cr.P.C. Petitioner has nine criminal antecedent and a similarly situated co-accused has been granted anticipatory bail by this Court vide order dated 20.03.2024 passed in Cr. Misc. No.22143/2024.

5. Petitioner is agreed to deposit a sum of Rs.50,000.00 (Rupees Fifty Thousand) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra 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 Maker P.S. Case No.196 of 2023, 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.

(ii) 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.

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

(Anjani Kumar Sharan, J)

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