

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28236 of 2024

Arising Out of PS. Case No.-322 Year-2022 Thana- SAKRA District- Muzaffarpur

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ALOK KUMAR @ ALOK KUMAR RAI SON OF SADANAND RAI
RESIDENT OF VILLAGE - MANOHARPATTI, P.S. - SAKRA, DISTRICT -
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-04-2024 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 under Sections 272, 273, 419, 420, 467, 468, 471 of the Indian Penal Code and Sections 30(a), 32(i)(ii), 36, 41 of the Bihar Prohibition and Excise Amendment Act.

3. Altogether 4387.680 litres of foreign liquor has been recovered from different vehicles.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and he has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner and from his



house. He 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. He was not apprehended on the spot. He had not consumed liquor. He has no concern either with the other co-accused persons or with the seized vehicles. His name has been transpired in the present case at the behest of local Mukhiya due to enmity. There is no specific overt act against the petitioner. He has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs. 2,00,000.00 (Rupees Two Lakh) in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, 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 Sukra P.S. Case No. 322 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) 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.

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 the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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