

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37137 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- KAUWAKOL District- Nawada

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Ashish Kumar Son of Ajay Kumar Yadav Resident of Village- Bandaili Khurd
, P.S- Kawakol, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-06-2024 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 Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Altogether 27 litres of India made foreign liquor has been recovered from the sacks loaded on the seized motorcycles. One co-accused person was apprehended on the spot.

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. He has no concern either with the seized liquor or any trade of liquor. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. Petitioner has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot. He had not consumed liquor. His name has been transpired in the present case merely because he is the owner of the seized Apache motorcycle bearing Reg. No. BR27T-3882, whereas the matter of fact is that the motorcycle was not being driven by the petitioner at the time of alleged occurrence. The real fact is that one of his friends took away his motorcycle from him for going to nearby market. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in 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 Kawakol P.S. Case No. 103 of 2024, 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) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of 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 account of Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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