

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36763 of 2023

Arising Out of PS. Case No.-51 Year-2021 Thana- KHIRHAR District- Madhubani

MD. ANISH ALLAM son of Late Majid Alam village- Bhapura Po-
Bhawanipur Ps- Singhwara Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh

For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Learned counsel for the petitioner filed a
supplementary affidavit in the Court. Let the same be accepted
and kept on record.

3. The petitioner apprehends his arrest in a case
registered for the offences punishable u/s 272, 273, 34 of the
IPC and 30 (a) of Bihar Prohibition and Excise Act.

4. Altogether 282 liters of foreign liquor and 11.560
liters of illicit liquor is said to have been recovered from a car
and motorcycle respectively.

5. It is submitted by learned counsel for the petitioner that
the petitioner is quite innocent and 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. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis that the petitioner is the owner of the said vehicle but the matter of fact is that the petitioner had sold the alleged vehicle to another person. Petitioner has no criminal antecedent.

6. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten 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.

7. 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 Khirhar P.S. Case No.51 of 2021, 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.

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

(Anjani Kumar Sharan, J)

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