

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40770 of 2024

Arising Out of PS. Case No.-47 Year-2020 Thana- KUNDWACHAINPUR District- East
Champaran

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Rupesh Kumar Son of Shatrughan Prasad Choudhary R/O Vill.- Patel Chowk
(Islampur), P.S.- Dhaka, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2024 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, 273,34 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

3. Altogether 244.800 litres of illicit liquor has been recovered from two motorcycles in question.

4. 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 rather 244.800 liters of illicit liquor is said to have been recovered from two



motorcycles, which do not belong to the petitioner. Petitioner 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 has been falsely implicated in this case due to disclosure made by the villagers with whom petitioner had inimical terms. He was not apprehended on the spot. He had not consumed liquor. Similarly situated co-accused has been granted bail by this Court vide order dated 22.01.2022 in Cr. Misc. No. 41604 of 2021. Petitioner has four criminal antecedents as mentioned in para-3 of this application.

5. Petitioner is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty 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 Kundwachainpur P.S. Case No. 47 of 2020, 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 state 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 Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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