

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58660 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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AVINASH KUMAR @ PINKU SAH SON OF RAMCHANDRA SAH
RESIDENT OF VILLAGE- ARNIYA, PS- JANDAHA, DIST- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 18-01-2024 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), 32(i)(ii)(iii), 41(i) and (ii) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 1920 liters of foreign liquor is said to have been recovered from the godown of the petitioner.

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. 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 godown but the matter of fact is that the said godown was rented to one Gajendra Kumar for the purpose of storage of packaging water bottles, which is also mentioned in para-5 of the supplementary affidavit filed by the learned counsel for the petitioner. Petitioner has no criminal antecedent.

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.

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 Hajipur Excise P.S. Case No.10 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 Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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