

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67094 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- RAJNAGAR District- Madhubani

RAMAUTAR SINGH @ RAMABATAR SINGH S/O BANKA SINGH R/O
MOHALLA- RAM KRISHNA POLLY, MAIN GATE, P.S- DURGAPUR,
DISTT.- WEST BARDDHAMAN(WEST BENGAL).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr.Rajendra Prasad Nat

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in a case registered for
the offences punishable u/s 272/273/34 of the IPC and 30 (a)/
41(1) of Bihar Prohibition and Excise Act.

3. Altogether 3097.740 liters of foreign liquor is said to
have been recovered from the truck of the petitioner.

4. It is submitted by learned counsel for the petitioner
that the petitioner is quite innocent and has committed no
offence. He has been falsely implicated in this case due to
ulterior motive. 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 was not apprehended on the spot and his name transpired in the case on the basis that he is owner of the truck from which recovery has been made but the same was hired by Bansal Enterprises for transportation of cement and petitioner had no knowledge regarding the liquor. It is further submitted that the petitioner has already deposited Rs.6,50,000/- for the release of his truck, which is clear from the memo no.1076 dated 08.07.2023 and receipt of E-Challan enclosed at Annexure-4 and 5 of the bail petition. Petitioner has no criminal antecedent.

5. 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, 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 Raj Nagar P.S. Case No.383 of 2022, 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 account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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