

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69749 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- VAISHALI District- Vaishali

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PRADEEP KUMAR Son of Late Binda Ray R/o vill - Kudhani, P.s. -
Kudhani, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Adv.

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 29-01-2024 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 under Sections 420, 120(B) of the Indian Penal Code and Sections 30(a), 32(ii), 41(i) of the Bihar Prohibition & Excise Amendment Act, 2018.

3. Altogether, 173.52 litres of country made liquor has been recovered from the seized truck and Bolero. Three persons were apprehended on the spot.

4. It is submitted by learned counsel for the petitioner that 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. The allegation



levelled against the petitioner is general and omnibus in nature. 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 owner of the seized Bolero which was taken by apprehended co-accused Prashant Kumar for his necessary work. Petitioner has no criminal antecedent as mentioned in para 3 of the bail 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 Vaishali P.S. Case No. 338 of 2023, 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 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) 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 the aforesaid amount in Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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