

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72473 of 2024

Arising Out of PS. Case No.-262 Year-2022 Thana- WARISNAGAR District- Samastipur

Brijesh Kumar S/O Kishun Sahni Resident of Village- Patpara, P.S-
Bibhutipur, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Ram Mishra, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2024 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 Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. Altogether 10.800 litres of Indian made foreign liquor has been recovered from the seized motorcycle. One person was apprehended on the spot.

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 or from his house. He 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 totally false and based on concocted facts. He was not apprehended on the spot. His name has been transpired in the present case merely because he is the registered owner of the seized motorcycle. The real fact is that on the alleged date, the apprehended co-accused Ram Adhar Bhagat had taken the said motorcycle from the petitioner to attend a ceremony of his relative, but he used the said motorcycle in carrying illicit liquor without knowledge and consent of the petitioner. Learned counsel further submits that 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 eight 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 Warisnagar P.S. Case No. 262 of 2022, 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.

8. The learned Court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioner has criminal antecedent in similar nature of offence, then the bail bond of the petitioner shall not be accepted by the learned Court below.

(Anjani Kumar Sharan, J)

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