

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73984 of 2024

Arising Out of PS. Case No.-123 Year-2021 Thana- Dehri Mufassil District- Rohtas

Vinay Kumar S/O Late Ram Talika Paswan R/o - Bahori Bigha, P.S - Akhorhi
Gola, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Adv.
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-10-2024 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 30 (a) of the Excise Act.

3. Altogether 35 liters of country made liquor is said to
have been recovered from the motorcycle 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 said motorcycle but the real fact



is that he has purchased a new motorcycle after exchanging the old one to the Automobil Agency and thereafter, the agency would have sold the old motorcycle to the named accused person. Petitioner has one criminal antecedent.

5. Petitioner is agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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 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 Dehri (M) P.S. Case No.123 of 2021, 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.

8. However, learned Court below is directed to verify the criminal antecedent of the petitioner, before accepting his bail bonds and if it is found that he has criminal antecedent, apart from the present case, his bail bonds shall not be accepted.

(Anjani Kumar Sharan, J)

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