

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80148 of 2024

Arising Out of PS. Case No.-146 Year-2022 Thana- KHAJAULI District- Madhubani

Bipin Ram Son of Jagdish Ram Resident of Village - Sohpur, P.S.- Harlakhi ,
District – Madhubani Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gagandeo Yadav, Advocate
	Mr. Ravi Prakash, Advocate
	Mr. Vinod Kumar, Advocate
	Mr. Udeshya Kumar Yadav, Advocate
	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 04-12-2024 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 272, 273 of IPC and 30(a) of Bihar Prohibition and Excise Act, 2018.

3. Altogether 19.02 liters of Nepali liquor is said to have been recovered from a motorcycle. One co-accused 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. He has been falsely implicated in this case. 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 he has been made accused only because he is the registered owner of the said motorcycle. It is further submitted that the petitioner has sold his motorcycle to the apprehended co-accused person but ownership of the motorcycle was not transferred to him. Petitioner has one criminal antecedent which is not in similar nature of offence.

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 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 Khajauli P.S. Case No.146 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)

priyanka/-

U		T	
---	--	---	--

