

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83134 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- TERHAGACHH District- Kishanganj

BHOLA SAH @ BHOLA KUMAR SAH SON OF LATE DILIP PRASAD
SAH R/O VILLAGE- MATIYARI, P.S.- TEDHAGAACH, DIST.-
KISHANGANJ

... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amal Kumar Sinha

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2024 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 u/s 30 (a) of Bihar Prohibition and Excise Act, 2016.

3. Altogether 154.875 liters of foreign liquor is said to have been recovered from a bamboo clump behind the house 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 merely on suspicion. The place of recovery i.e. bamboo clump behind the house of the petitioner is an open place and approachable for anyone. Petitioner has three criminal antecedent of similar nature of offence.

5. Petitioner is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty 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 Tedhagaach P.S. Case No.59 of 2023, 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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