

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82695 of 2024

Arising Out of PS. Case No.-107 Year-2021 Thana- AMBA District- Aurangabad

Ramesh Yadav Son of Rambali Yadav Resident of Village - Mirjapur, Teldiha,
P.S.- Madanpur, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-01-2025 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, 2018 and under Section 120(B) of the Indian Penal Code.

3. Altogether 22.08 litres of foreign liquor has been recovered from the seized motorcycle.

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 possession of the petitioner. 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. The petitioner is only the owner of the said seized motorcycle which was taken by the co-accused namely Sujit Kumar on the ground of medical emergency from which the illicit liquor is recovered. His name has been transpired in the present case merely on the basis of confession of co-accused person namely Sujit Kumar who was apprehended on the spot. Learned counsel further submits that petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No. 3332964762, Central Bank of India, Chitkohra Branch, IFSC Code: CBIN0282779 (fifth character is zero), MICR Code: 800016018.

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 Amba P.S. Case No. 107 of 2021, 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 the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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