

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83603 of 2024

Arising Out of PS. Case No.-167 Year-2024 Thana- MAINATAND District- West Champaran

Asfak Alam Son of Shekh samsad Resident of Shekhwa, Basantpur, P.S.-
Mainatand, Distt.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 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, 2016.

3. Altogether 75 litres of country made liquor is said to have been recovered from two gunny bags from the place of occurrence. One person was apprehended on the spot and two persons fled away from the place of occurrence.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. He had falsely been 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 on the basis of disclosure made by the apprehended co-accused person. 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. 5,000/- (Rupees Five 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 Mainatand P.S. Case No. 167 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 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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