

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84271 of 2024

Arising Out of PS. Case No.-809 Year-2024 Thana- Excise P.S. District- Aurangabad

Niraj Kumar @ Dheeraj Kumar @ Teni S/O Ramesh Kumar Yadav @
Ramesh Yadav R/O Village-Tendua, P.S. -Aurangabad Muffasil, Distt-
Aurangabad(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aman Vishal, Advocate

For the Opposite Party/s : Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-01-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 30(a), 30(c), 30(d) of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Altogether 138.600 liters of country made liquor, 35 liters of spirit and other articles are said to have been recovered from beneath the neem tree.

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. He has been made accused in this case on the basis of suspicion. Similarly situated co-accused person has been granted anticipatory bail vide order dated 03.10.2024 passed in Cr. Misc. No. 68705 of 2024. Petitioner has two criminal antecedent in similar nature of offence as mentioned in para 3 of the bail application and has been languishing in jail since 25.10.2024.

5. Petitioner is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Excise P.S. Case No. 809 of 2024, 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 regular 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 Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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