

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87607 of 2024

Arising Out of PS. Case No.-318 Year-2024 Thana- AMNAUR District- Saran

Sadhu Rai @ Mithilesh Rai @ Mithlesh Rai @ Baba S/O Shambhu Rai R/O-
Village- Nandan Kaituka, P.S.- Maker, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash, Advocate

For the Opposite Party/s : Mr. Kanhiya Kishor, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-01-2025 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 u/s 30(a), 33, 34 and 47 of Bihar Prohibition and Excise (Amendment) Act, 2022.

3. Altogether 1365 litres of spirit liquor is said to have been recovered from two pickup vans. Three co-accused persons were apprehended on the spot and some co-accused persons including the petitioner succeeded in fleeing away from 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 is not the owner of the said vehicle. He was not apprehended on the spot and his name transpired in the case on the basis of the confessional statement of the apprehended co-accused. Petitioner has seven criminal antecedent out of which six are in similar nature of offence as mentioned in para 3 of the bail application.

5. Petitioner is agreed to deposit a sum of Rs.1,00,000.00 (Rupees One Lakh) in the account of Lawyers' Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, 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 Amnour P.S. Case No.318 of 2024, subject to the condition as laid down under Section 482(2) of BNSS,



2023, 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 Lawyers' Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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