

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24402 of 2021

Arising Out of PS. Case No.-403 Year-2020 Thana- DARIYAPUR District- Saran

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Kuman Rai Son of Bhuneshwar Rai Resident of Village- Akilpur, P.S.-
Dariyapur, P.S.- Dariyapur, District- Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects, as pointed out by the office, within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Dariyapur P.S. Case No. 403 of 2020 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 100 liters of illegal country made liquor is said to have been recovered from the said vehicles (cycle). He has no concern either with the seized liquor or the place of



recovery or any trade of liquor. He submits that from the FIR it has been alleged that the country made wine was seized from the cycle and petitioner was arrested falsely implicated in this case. Petitioner possess no criminal antecedent as has been mentioned in para-3 of the present petition and has been languishing in custody since 23.11.2020.

Petitioners are agreed to deposit a sum of Rs. 5,000 (Rupees Five Thousand) in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

Having regard to the facts and circumstances of case, let the above named petitioners, be released 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 learned court below where the case is pending in connection with Dariyapur P.S. Case No. 403 of 2020 subject to following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding
for cancellation of bail on ground of misuse.

The bail bond of the petitioners shall be accepted by the
learned Court below on showing receipt of deposit of Rs. 5,000
(Rupees Five Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

GAURAV S./-

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