

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32718 of 2021

Arising Out of PS. Case No.-104 Year-2021 Thana- PURNEA SADAR District- Purnia

1. BAL KRISHNA CHOUDHARY, SON OF RAMNATH CHOUDHARY,
Resident of Village - Chikna Patti, P.S.- Radhopur, Distt.- Supaul.
2. Mukesh Kumar, Son of Binod Choudhary, Resident of Village - Mojha, P.S.-
Kishanpur, Distt.- Supaul.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Adv.
	:	Mr. Bidhu Ranjan, Adv.
For the Opposite Party/s	:	Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-08-2021 Heard the parties through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within four weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioners seek bail in a case registered for the offence punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

It is submitted by learned counsel for the petitioners that the petitioners are innocent and have falsely been implicated in this case. There is no recovery from the conscious



possession of the petitioners, rather there is recovery of total 261 liters of foreign liquor from the two vehicles. The said vehicles do not belong to the petitioners. The petitioners are languishing in custody since 06.03.2021. The petitioners have got no criminal antecedent, which is mentioned in para 3 of the bail application.

Learned APP for the State vehemently opposed the prayer for bail petition.

Petitioners are agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) each 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.

Considering the aforesaid facts and circumstances of the case, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/ successor Court in connection with Sadar P. S. Case No.104/2021; subject to the following conditions:

(i) that one of the bailors will be a close relative of the petitioners, who will be given an affidavit giving genealogy



as to how they are related with the petitioner. They will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.10,000/- (Rupees Ten Thousand) each in the PM Cares fund.

(Anjani Kumar Sharan, J)

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