

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39576 of 2021

Arising Out of PS. Case No.-244 Year-2021 Thana- KUCHAIKOTE District- Gopalganj

1. ARBAZ Son of Samim Resident of Village- Aard, P.S.- Kudali, District- Merath, State- Uttar Pradesh.
2. Lakhan Son of Chhagan Lal Resident of Village- Durga Colony Ward No. 8 Near Sani Deo Mandir, Sohne, P.S.- Sohne, District- Gurgawan, State- Haryana.
3. Nitin Son of Naresh Kumar Resident of Mohalla/Village- Hilalpur Notu P.S.- Rozvewnuh, Present- Durga Colony Ward No. 08 near Sanni Dev Mandir Sohane, P.S.- Sohane, District- Gurgawn, Hariyana.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Baijnath Sah

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-10-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceedings.

Learned counsel for the petitioners 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 Kuchaikote P.S. Case No.244 of 2021, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Amendment Act 2018.



It is alleged that four persons including these petitioners were apprehended by the police during patrolling duty and on search of their car, altogether 85.125 liters of foreign liquor has been recovered.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No such occurrence has ever taken place. No incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. They have been falsely implicated in this case due to high handedness of the police. These petitioners are not the owner of the said car rather one Arbind is the owner. Petitioners have no criminal antecedent, as mentioned in para-3 of the bail application and have been languishing in custody since 15.06.2021.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten Thousand) each in the Chief Minister's Relief Fund, Bihar, bearing Account No.2065104000002257, IFSC IBKL0002065, IDBI Bank, Kidwaipuri Branch, Patna.

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) each



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 Kuchaikote P.S. Case No.244 of 2021, with the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) The bailors shall also state on affidavit that they will inform the Court concerned if the respective 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.10,000.00/- (Rupees Ten Thousand) each in the Chief Minister's Relief Fund, Bihar.

(Anjani Kumar Sharan, J)

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