

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42181 of 2021

Arising Out of PS. Case No.-380 Year-2021 Thana- SARAIYA District- Muzaffarpur

1. PRAKASH KUMAR Son of Shri Pawan Misra Resident of Village - Mani Fulkaha, P.S. - Kanti (Panapur O.P.), District - Muzaffarpur.
2. RAHUL KUMAR Son of Shri Rajesh Shahi Resident of Village - Shyampur, P.S. - Kanti, District - Muzaffarpur.
3. DEEPAK KUMAR Son of Shri Pawan Kumar Resident of Village - Madhubani, P.S. - Sadar, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-10-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceeding.

Learned counsel for the petitioners undertake to remove the defects within three weeks. 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 a case registered for the offence punishable under Sections 272, 273, 414, 34 of the Indian Penal Code, Section 30(a) of the Bihar Prohibition and Excise Act, 2016 and Sections 25(1-b)a, 26, 35 of the Arms Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this



case. He submits that there is no recovery from the conscious possession of the petitioners rather 172.800 liters of foreign liquor is said to have been recovered on the spot. He submits that petitioners were apprehended on the spot. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application and they are languishing in judicial custody since 01.06.2021.

Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each in the Chief Minister Relief Fund, Bihar, bearing Account No. 2065104000002257, IFSC IBKL 0002065, IDBI Bank, Kidwaipuri Branch, Patna.

In the facts and circumstances of the case, let the petitioners, above named, 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 the learned court below/successor court where the case is pending in connection with Saraiya P.S. Case No. 380 of 2021, subject to the conditions:

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) If the petitioners indulge in an offence of similar



nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of their bail bonds.

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 Relief Fund Bihar.

(Anjani Kumar Sharan, J)

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