

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13583 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- VAISHALI District- Vaishali

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KUNDAN KUMAR Son of Krishna Singh R/o Village- Bhual, Post-
Bahiwara Bhual North, P.S.- Ajitpur (O.P.), District- Muzaffarpur (Bihar), Pin
Code- 844111.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 16063 of 2022

Arising Out of PS. Case No.-419 Year-2021 Thana- VAISHALI District- Vaishali

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PINTU KUMAR Son of Surendra Singh R/o village - Karjeni, P.S.- Belsar
(O.P.), District - Vaishali at Hajipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 13583 of 2022)

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

(In CRIMINAL MISCELLANEOUS No. 16063 of 2022)

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-07-2022 Heard the parties.

Learned counsel for the petitioners undertakes to remove
the defects within four weeks of resumption of normal court
proceedings. In the eventuality of non-removal of defects within



stipulated period, office will place the matter before the Bench.

Petitioners apprehends their arrest in connection with a case registered for the offence punishable u/s 420, 467, 468, 471, 272, 273, 120(B) and 30(a),32(ii), 36 and 41 of the Bihar Prohibition and Excise Act, 2016 .

Altogether 3093.480 litres of foreign liquor is said to have been recovered from a truck. One person was apprehended from the spot.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of his enemies. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. They have no concern with the alleged truck. They have no concern either with the seized liquor or any trade of liquor. Petitioners have no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 1,00,000.00/- (Rupees One Lakh) each in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National



Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners named above in the event of their arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bonds 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 Vaishali (Belsar O.P.) P.S. Case No. 419 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions.

(1) 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.

(2) 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.

The bail bond of the petitioner shall be accepted by the



learned Court below on showing receipt of deposit of
Rs.1,00,000.00/- (Rupees One Lakh) each in the Patna High
Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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