

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23555 of 2022

Arising Out of PS. Case No.-21 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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1. CHANDAN RAI SON OF KISHORI RAI @ KISHORI RAY R/O MOHALLA- NANDPURI, BHAGWANPUR, P.S.- SADAR, DISTRICT- MUZAFFARPUR
 2. PRAKASH KUMAR SON OF MANOJ KUMAR SINGH R/O VILLAGE- BIRRPUR SARAIYA, P.S.- SARAIYA, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-08-2022 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 undertaken period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable under section 30(a) and 32(3) of the Bihar Prohibition and Excise Act.

Altogether 76.05 liters of foreign liquor is said to have been recovered from the place of occurrence. Allegation against the petitioners is that they were involved in selling of the said illicit liquor and fled from the spot on seeing the police.



Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They have been falsely implicated in this case only on suspicion. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor or the place of recovery. It is submitted that from the seizure list, it is clear that the recovery has been made from an open field which belongs to one Fakira Rai. The same does not belong to the petitioners. Petitioners have one criminal antecedent, as also mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) each in the Juvenile Justice Fund, Bihar bearing Account No.35094613009, IFSC SBIN0000153, State Bank of India, Patna Secretariat Sinchai Bhawan 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 Excise Case No.245 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, as also the following conditions:

(1) 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 petitioner. He will also undertake to inform the Court if there is any change in the address of 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.25,000/- (Rupees Twenty Five Thousand) each in the Juvenile Justice Fund.

(Anjani Kumar Sharan, J)

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