

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26161 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- PUPRI District- Sitamarhi

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AJIT KUMAR RAI @ AJIT RAI @ AJIT KUMAR Son of Kamlesh Rai
Resident of Village - Keshopur, P.s.- Pupri, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 26688 of 2022

Arising Out of PS. Case No.-267 Year-2021 Thana- PUPRI District- Sitamarhi

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GAUTAM KUMAR RAI @ GAUTAM RAI @ GAUTAM KUMAR SON
OF KAMLESH RAI R/O VILLAGE- KESHOPUR, P.S.- PUPRI, DISTRICT-
SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26161 of 2022)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mrs.Shaheen Begum

(In CRIMINAL MISCELLANEOUS No. 26688 of 2022)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mrs.Shaheen Begum

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-08-2022 Heard learned counsel for the petitioners and learned APP
for the State through virtual Court proceedings.

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 u/s 30(A) of the Bihar Prohibition and Excise Act, 2016.

Altogether 155.880 liters of foreign liquor is said to have been recovered from a motorcycle parked in the campus of a middle school. The allegation against the petitioners is that they along with others are involved in the illegal trade of liquor.

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 due to dirty village politics. Their name transpired in the case on the basis of secret information. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Petitioners have no concern either with the seized liquor or any trade of liquor. Petitioners have no concern with the said motorcycle from where the recovery has been made. Petitioners have one criminal antecedent of similar nature, as also mentioned in para-3 of the bail applications.

Petitioners are agreed to deposit a sum of Rs.30,000.00/- (Rupees Thirty 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 Pupri P.S. Case No.267 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.30,000/- (Rupees Thirty Thousand) **each** in the Juvenile
Justice Fund.

(Anjani Kumar Sharan, J)

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