

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39483 of 2022

Arising Out of PS. Case No.-60 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. Mithu Patel Son Of Madan Patel Resident Of Village - Hardiya, P.S.-
Turkauliya, Distt.- East Champaran.
 2. Vishal Kumar @ Vishal Yadav Son Of Narad Yadav Resident Of Village -
Gadariya, P.S.- Turkauliya, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners undertakes 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 are apprehending their arrest in a case
registered for the offence punishable under Sections 30(a),41(i)
of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that
petitioners is innocent and have been falsely implicated in this
case. He submits that there is no recovery from the conscious
possession of the petitioners rather 1000 liters of Susaw (sprit)



is said to have recovered from the trolley of the tractor. He submits that the apprehended driver disclosed the name of the petitioners. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) each in the account of Member Secretary Bihar State Legal Services Authority, bearing No. 0380000100252472, IFSC Code: PUNB0038000, Punjab National Bank, Patna.

Considering the facts and circumstance of the case, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged 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 where the case is pending/successor court in connection with Excise Case No. 60 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) that one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to



inform the court if there is any change in the address of the petitioners.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the 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 the aforesaid amount in the account of Member Secretary Bihar State Legal Services Authority, Patna.

The learned court below is directed to accept the bail bond of the petitioners after verifying the criminal antecedent of the petitioners.

(Anjani Kumar Sharan, J)

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