

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50642 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- BALIYA District- Begusarai

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Anand Mohan Kumar S/O Kapildev Singh @ Kapildeo Singh R/O Village-
Madhurapur, Pubari Tola, P.S.- Teghra, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53338 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- BALIYA District- Begusarai

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Guddu Mishra @ Guddu Kumar S/O Hira Mishra Resident Of Village-
Sahpur Diyara, P.S.- Ballia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 50642 of 2021)

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

(In CRIMINAL MISCELLANEOUS No. 53338 of 2021)

For the Petitioner/s : Mr.Sada Nand Roy

For the Opposite Party/s : Mr.Md. Iftexhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-07-2022 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 Section 30(a) of the



Bihar Prohibition and Excise 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 657 liters of foreign liquor is said to have recovered from the vehicle. He submits that the petitioner in Cr. Misc. No. 50642 of 2021 has been made accused in this case because he is the owner of the said vehicle. 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 Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, 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 Ballia P.S. Case No. 117 of 2021, 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 petitioner, who will give an affidavit giving genealogy as to who 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.

(II) that the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after her 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 petitioner shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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