

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44643 of 2022

Arising Out of PS. Case No.-173 Year-2022 Thana- RAJAOLI District- Nawada

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1. AKHILESH KUMAR Son of Ganesh Prasad Resident of Village - Bhajjee Bhita, P.s.- Rajauli, Distt.-Nawada.
 2. Bikash Kumar Son of Ram Chandra Yadav Resident of Village - Bhajjee Bhita, P.s.- Rajauli, Distt.-Nawada.
 3. Deoki Prasad Son of Sahdeo Prasad Resident of Village - Bhajjee Bhita, P.s.- Rajauli, Distt.-Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar
For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-10-2022 Heard the parties through virtual court proceedings.

Learned counsel for the petitioners is directed to remove the defects within four weeks.

Learned counsel for the petitioners submits that in para-3 of this application, the criminal antecedent of petitioner no.1 has been wrongly mentioned as having one criminal antecedent. It may be read as petitioner no.1 has no criminal antecedent.

Prayer is allowed.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a)/41 of the Bihar Prohibition and Excise Act, 2016.



Altogether 140 litres of country made Mahua liquor is said to have been recovered from the spot. It is alleged that on seeing the police, petitioners and others fled away 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 neither been apprehended on the spot nor any incriminating article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. No vehicle has been seized from the spot. Petitioner nos.1 and 2 have no criminal antecedent and petitioner no.3 has one criminal antecedent.

Petitioners are agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) each in the Bihar State Legal Services Authority, Budh Marg, Patna bearing Account No.0380000100252472, IFSC PUNB0038000, Punjab National Bank.

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 Rajauli P.S. Case No.173 of 2022, 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of Rs.20,000.00/- (Rupees Twenty Thousand) each in the Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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