

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47405 of 2022**

Arising Out of PS. Case No.-79 Year-2021 Thana- RIVILGANJ District- Saran

VIJAY RAI S/o Shambhu Rai Resident of Ward No. 29, Roopganj, Chapra-
841301, District- Saran, Bihar. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

**WITH
CRIMINAL MISCELLANEOUS No. 53202 of 2022**

Arising Out of PS. Case No.-79 Year-2021 Thana- RIVILGANJ District- Saran

VISHWAKRMA RAI @ VISHWAKARMA YADAV SON OF KAMLA RAY
@ KAMAL RAI R/O VILLAGE- ROOPGANJ, WARD NO. 29, P.S.- TOWN
CHAPRA, DIST.- SARAN. Petitioner/s

Versus

THE STATE OF BIHAR. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 47405 of 2022)

For the Petitioner/s : Mr. Saket Anand

For the Opposite Party/s : Mr. Shailendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 53202 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Opposite Party/s : Mr. Akhileshwar Dayal

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

3 11-11-2022 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

Learned counsel for the petitioners undertakes to

remove the defects within four weeks. In the eventuality of non-

removal of defects within undertaken period, the office will



place the matter before the Bench.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30 (a) & 41 (i) of the Bihar Prohibition and Excise Act, 2016.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 180 liters of country made liquor is said to have been recovered from a bush. They have no concern with the seized liquor. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. Petitioners have one criminal antecedent of similar nature of the offence as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) **each** in the account of Member Secretary, Bihar State Legal Services Authority, bearing Account No.0380000100252472, IFS Code: PUNB0038000, Punjab National Bank.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court



below within a period of six weeks from today, 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 Rivilganj P.S. Case No.79 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Member Secretary, Bihar State Legal Services Authority.

(Anjani Kumar Sharan, J)

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