

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58845 of 2021

Arising Out of PS. Case No.-470 Year-2021 Thana- AKBARPUR District- Nawada

1. Maigra @ Pintu Yadav S/O Baleshwar Yadav R/O Village - Haziday, P.S. - Narhat, District - Nawada.
2. Jitendra Kumar @ Jitendra Yadav S/O Late Sukhdeo Yadav R/O Village - Lohsinghna, P.S. - Akbarpur, District - Nawada.
3. Lalan Rajbanshi S/O Vijay Rajbanshi Resident Of Village - Jow, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-05-2022 Earlier, prayer for bail with regard to petitioner no. 3 was dismissed as withdrawn.

Heard learned counsel for the petitioners and learned APP for the State through the virtual court proceeding.

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 520 litres of illegal country made Mahua wine is said to have been recovered from the place of occurrence. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Learned counsel for the petitioners has filed the supplementary affidavit for rectification of typing error in the prosecution story of the main application in which it is wrongly typed as petitioners were arrested on spot whereas petitioners were not arrested on spot and three other co-accused persons namely (1) Dip Kumar (2) Pawan Kumar and (3) Rishiraj @ Bittu have been arrested on spot. It is further stated that in the prayer portion it is wrongly typed as 'Additional Sessions Judge-II-cum-Special Judge, Gaya' in place of Additional Sessions Judge-II-cum-Special Judge, Nawada.

Let the same be read accordingly.

Petitioners are agreed to deposit a sum of Rs. 75,000.00 (Rupees Seventy Five 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 circumstances of the case, 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 Akbarpur P.S. Case No. 470 of 2021, subject to the condition:

(I) As laid down under Section 438 (2) of the Cr.P.C.

(II) 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.

(III) 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 Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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