

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50877 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- BITHAN BAZAR District- Samastipur

1. PAPPU YADAV S/O RAM CHANDRA YADAV Resident of village- Larjhaghat, P.S.- Bithan, District- Samastipur
2. NITISH KUMAR @ NITISH YADAV S/O MANOJ KUMAR NIRALA @ MANTUN YADAV Resident of village- Larjhaghat, P.S.- Bithan, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2022 Heard the parties through virtual court proceedings.

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

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

Altogether 129.600 litres of foreign liquor is said to have been recovered from the spot. The allegation against the petitioners is that after seeing police they fled away from the spot.

Learned counsel for the petitioners submit that petitioners are quite innocent and have not committed any offence as



alleged in the FIR. Petitioners have been falsely implicated in this case at the instance of their enemies. Their name transpired in this case on the basis of suspicion. 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. The petitioners have no concern with the alleged from where the recovery has been made. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.25,000.00/- (Rupees Twenty Five Thousand) **each** in the Patna High Court Legal Services Committee, Patna bearing Account No.1413010060836, IFSC PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

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 Bithan P.S. Case No.123 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.25,000.00/- (Rupees Twenty Five Thousand) **each** in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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