

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50398 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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RAJA RAI @ RAJA KUMAR SON OF ARUN RAI @ ARUN KUMAR
RAY R/O VILLAGE- OLIPUR TENGRAHAN, P.S.- MAHINDWARA,
DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 51012 of 2022

Arising Out of PS. Case No.-280 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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DHIRAJ KUMAR S/o Raj Mangal Rai R/o village- Tarajiwar Parmajiwar,
P.S.- Hathauri, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 50398 of 2022)

For the Petitioner/s : Mr.Nitu Kumari, Adv.

For the Opposite Party/s : Mr.Ajay Kumar No. 2, Adv.

(In CRIMINAL MISCELLANEOUS No. 51012 of 2022)

For the Petitioner/s : Mr.Nitu Kumari, APP.

For the Opposite Party/s : Mr.Mohammed Arif, Adv.

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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 272, 273, 414, 34 IPC and 30(a), 41(1) of the Bihar Prohibition and Excise Act-2016.

Altogether 354 litres of foreign liquor is said to have been recovered from two cars and five persons were apprehended on the spot. It is alleged that 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 been falsely implicated in this case merely on suspicion. Their names transpired in this case on the confessional statement of apprehended co-accused. 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. Petitioners are not the owners of the said vehicles. Petitioners have no criminal antecedent, as also mentioned 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 PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the aforesaid facts and circumstances, let the petitioners, named above, in the event of his 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 Muzzafarpur Sadar P.S. Case No.280 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 petitioners, 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 petitioners are 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.30,000.00/- (Rupees Thirty Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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