

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53874 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- MUSRIGHRARI District- Samastipur

RAKESH RAM S/O MAHADEV RAM Resident of village- Gangapur, P.S.-
Musrigharari, District- Samastipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

WITH
CRIMINAL MISCELLANEOUS No. 54324 of 2022

Arising Out of PS. Case No.-119 Year-2022 Thana- MUSRIGHRARI District- Samastipur

NARESH MAHTO @ NARESH KUMAR MAHTO Son of Munsilal Mahto
Resident of Village - Gangapur, P.s.- Musrigharari, Distt.- Samstipur. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53874 of 2022)

For the Petitioner/s : Mr. Amresh Kumar Sinha

For the Opposite Party/s : Mrs. Rita Verma

(In CRIMINAL MISCELLANEOUS No. 54324 of 2022)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mrs. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2022 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 Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

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 281.88 liters of foreign liquor is said to have been recovered from brick soling behind Anganbari Center. The allegation against these petitioners is that after seeing the police party they escaped from the place of occurrence. 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. There is violation of Section 100 Cr.P.C. It is further submitted that place of recovery is an open place and easily accessible to anyone. Petitioners have no criminal antecedent 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 Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

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 Musrigharari P.S. Case No.119 of 2022, 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 Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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