

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59986 of 2022**

Arising Out of PS. Case No.-450 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

1. Rohit Kumar Son Of Santosh Kumar @ Guddu Yadav R/O Village- Tadwa, P.S.- Siwan Muffasil, District- Siwan.
2. Uttar Kumar @ Uttam Kumar Son Of Dinesh Yadav R/O Village- Tadwa, P.S.- Siwan Muffasil, District- Siwan.
3. Anup Kumar Sah @ Anup Ku. Sah @ Anup Kumar Singh Son Of Bachha Sah @ Singh R/O Village- Tadwa, P.S.- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary
For the Opposite Party/s : Mr. Madan Kumar

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

2 02-12-2022 At the outset, learned counsel for the petitioner seeks permission to withdraw this anticipatory bail application in respect of petitioner no.1, Rohit Kumar as he has already been apprehended by the police during pendency of this application.

Permission is granted.

Accordingly, this anticipatory bail application is dismissed as withdrawn so far as petitioner no.1, Rohit Kumar is concerned.

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

Petitioners No.2 and 3, above named, apprehend their arrest in a case registered for the offences punishable under Sections 30(a)/41(1)/45 of the Bihar Prohibition and Excise Act.



315 litres of illicit foreign liquor has been recovered from a Scorpio Vehicle. One person, namely, Shubham Rai was apprehended at the spot who disclosed the name of driver who fled away with alleged Scorpio as Prince Yadav and one Anup Kumar Singh was sitting next to the driver of the said Scorpio. Subham Rai further disclosed the names of persons who fled away and were sitting with him on alleged motorcycle as Uttam Kumar and Rohit Kumar.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that nothing has been recovered from the conscious possession of the petitioners.

Petitioners are agree to deposit a sum of Rs. 25,000/- (rupees twenty 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.

Taking into consideration the fact that there is no recovery from the conscious possession of the petitioners, let petitioners no.2 and 3, above named, 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 bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No.2, Siwan in connection with Siwan Muffasil P.S. Case No.450 of 2022, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be own blood relative of the petitioners, preferably, father, mother, brother, sister and/or their wives.

(ii) 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 receipts of deposit of the aforesaid amount in the Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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