

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55644 of 2022

Arising Out of PS. Case No.-232 Year-2022 Thana- MANER District- Patna

1. SHASHI KUMAR @ SHASHI RAI Son of Kanhaiya Rai @ Kanhai Ray
Resident of Village- Chhitnawan, P.S- Maner, District- Patna
2. Raushan Kumar Son of Binod Rai Resident of Village- Chhitnawan, P.S-
Maner, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Opposite Party/s : Mr. Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

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 (amendment) 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 total 73 liters of countrymade liquor as well as foreign liquor is said to have recovered from place of occurrence. He submits that allegation against the petitioners is that they along with other co-accused persons managed to ran away from the place of occurrence. He further submits that local chaukidar and local people disclosed the name of the petitioners that they are also involved in the present case. He submits that petitioner no.1 have two criminal antecedents and petitioner no.2 have clean antecedent as stated in para-3 of the bail 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: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioners, let 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 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 Maner P.S. Case No. 232 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) 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 petitioner.

(II) 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 account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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