

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69692 of 2021

Arising Out of PS. Case No.-134 Year-2020 Thana- JURAWANPUR District- Vaishali

1. VIMAL RAI @ VIMAL MAHTO Son of Shri Jagarnath Rai Resident of village - Srirampur, Raghapur, District - Vaishali
2. Aruni Rai @ Runa Rai @ Aruni Mahto Son of Shri Jagarnath Rai Resident of village - Srirampur, Raghapur, District - Vaishali
3. Vipin Rai @ Vipin Mahto Son of Shri Jagarnath Rai Resident of village - Srirampur, Raghapur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Ms. Veena Rani Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-05-2022 Heard the parties.

Learned counsel for the petitioners is directed to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 272 and 273 IPC and section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Altogether 200 liters of country made liquor is said to have been recovered from Raghapur Pashchami near river Ganga. It is alleged that the petitioners and others fled away from the spot on seeing the police.



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 at the instance of their enemies. Petitioners have neither been apprehended on the spot nor any incriminating article has been recovered from his conscious physical possession. Allegation against them is that seeing the police, they fled away from the spot. They have no concern either with the seized liquor or any trade of liquor or the place of recovery. There is no compliance of section 100 of the Cr.P.C. Petitioners have no criminal antecedent, as mentioned in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00/- (Rupees Ten 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 Jurawanpur P.S. Case No.134 of 2020, 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.10,000.00/- (Rupees Ten Thousand) each in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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