

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66939 of 2022

Arising Out of PS. Case No.-123 Year-2022 Thana- RUDRAPUR District- Madhubani

1. RANJIT MISHRA @ RANJIT KUMAR MISHRA Son of Mithilesh Mishra R/v- Shishauni, P.S.- Rudrapur, District- Madhubani
2. MAHESHWAR PANDEY Son of Late Kishun Pandey R/v- Shishauni, P.S.- Rudrapur, District- Madhubani
3. MUKESH PANDEY Son of Indreshwar Pandey R/v- Shishauni, P.S.- Rudrapur, District- Madhubani

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash

For the Opposite Party/s : Mr. Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

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 82.875 liters of foreign liquor is said to have been recovered from a pond in front of the house of petitioner no.3. 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. The place of recovery is an open place and easily accessible to any one. Petitioner no.1 has four criminal antecedents of the similar nature of the offence, petitioner no.2 has no one criminal antecedent of similar nature of the offence and petitioner no.3 has no criminal antecedent as mentioned in para-3 of this application.

Petitioner nos.2 is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) and Petitioner nos.3 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) 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 petitioner nos.2 and 3, 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 Rudrapur P.S. Case



No.123 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 petitioner nos.2 & 3 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.

As the petitioner no.1 has four criminal antecedents of similar nature of the offence, he seems to be a habitual offender, I am not inclined to grant bail to petitioner no.1. Accordingly, the prayer for bail of petitioner no.1 is hereby rejected.

(Anjani Kumar Sharan, J)

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