

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4446 of 2023

Arising Out of PS. Case No.-172 Year-2022 Thana- RAJEPUR District- East Champaran

1. Santosh Kumar @ Tunna Son Of Hari Rai Resident Of Village - Fajilpur, P.S.- Rajepur, District - East Champaran.
2. Vinay Kumar Son Of Late Rambabu Rai @ Rambabu Yadav Resident Of Village - Fajilpur, P.S.- Rajepur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 272, 273, 420, 467, 468, 120B of the IPC and Sections 30 (a), 32, 36 and 41(i) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioners submits that petitioners are innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 1845 liters of foreign liquor is said to have recovered from the vehicles on the spot. He submits that the petitioners have been made accused in the



present case on the basis of confessional statement of apprehended co-accused person. He submits that the petitioners are neither owner nor driver of the said vehicles. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand) **each** in 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 and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 Rajepur P.S. Case No.172 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) 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.

(2) 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 her 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 deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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