

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4540 of 2023

Arising Out of PS. Case No.-425 Year-2022 Thana- BIHTA District- Patna

1. Sanjay Pal S/O Sitaram Pal Resident Of Village- Bagan No. 20, Sitaram Dera (Agrico), P.S.- Jamsedpur, District- East Singhbhum (Jharkhand).
2. Manoj Prasad Verma S/O Jagdish Prasad Verma Resident Of Cross Road No. 12, Diaguttu Mango, P.S.- Azadnagar, District- East Singhbhum (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh
For the Opposite Party/s : Mr. Akbar Ali

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 30 (a), 31, 32 (i)(ii)(iii), 36 and 41(i)(ii) of the Bihar Prohibition and Excise Act, 2018.

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 petitioner rather 4434.405 liters of country made liquor is said to have recovered from the truck. He submits that on the basis of confessional statement of the



apprehended accused persons the name of the petitioners transpired in the instant case. He submits that neither the petitioners are driver of the said truck nor the alleged liquor in question belong to the petitioners. 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 Rs1,00,000/- (Rupees One Lakh) **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 Bihta P.S. Case No.425 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 petitioners.

(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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