

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6972 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- BHANGWANPUR HAT District- Siwan

1. DHANESHWAR MAHATO @ DHANESHAR MAHATO Son of Daroga Mahato Resident of Village- Barka Gaon, P.S.- Bhagwanpur Hat, District- Siwan
2. UPENDRA MAHATO Son of Kapurachand Mahato @ Kapurchan Mahato Resident of Village- Barka Gaon, P.S.- Bhagwanpur Hat, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-04-2023 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 u/s 30 (a) of Bihar Prohibition and Excise Act, 2016.

Altogether 20 liters of country made liquor is said to have been recovered from the place of occurrence. The allegation against the petitioners is that after seeing the police, they fled away from the spot.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the



conscious physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

Petitioner no.1 is agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in the account of Bihar State Bar Council Welfare Fund, Patna, bearing Account No.31861041899, IFSC Code: SBIN0010340, State Bank of India, Branch: High Court Campus, Patna.

Having regard to the facts and circumstances of the case, 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 learned Court below, where the case is pending/Successor court, in connection with Bhagwanpur Hat P.S. Case No.323 of 2022, subject to the condition as laid down under Section 438



(2) of the Cr.P.C, with the following conditions:

(i) 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 aforesaid amount in the Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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