

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10392 of 2023

Arising Out of PS. Case No.-523 Year-2022 Thana- BIDUPUR District- Vaishali

1. RAJ KUMAR @ RAJ KUMAR RAY SON OF BICHINDAR RAY @ BICHINDRA RAY @ BIJENDRA RAY R/O VILLAGE- GOPALPUR GHAT, P.S.- BIDUPUR, DISTRICT- VAISHALI
2. MITHU KUMAR SON OF BICHINDAR RAY @ BICHINDRA RAY @ BIJENDRA RAY R/O VILLAGE- GOPALPUR GHAT, P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravish Mishra, Adv.

For the Opposite Party/s : Mr.Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-04-2023 Heard the parties.

Petitioners apprehend their arrest in connection with a case registered for the offence punishable u/s 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

Altogether 500 litres of country made liquor is said to have been recovered from one motorcycle and two boats.

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. Their name transpired in this case only on suspicion. Petitioners have neither been apprehended on the spot nor any incriminating



article has been recovered from their conscious physical possession. They have no concern either with the seized liquor or any trade of liquor. Neither the motorcycle nor the boats belongs to the petitioners. Petitioner no.1 has one criminal antecedent of similar nature of offence and petitioner no.2 has no criminal antecedent, as also mentioned in para-3 of the bail application.

Petitioner no.1 is agreed to deposit a sum of Rs.10,000.00/- (Rupees Ten Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.30,000.00/- (Rupees Thirty Thousand) 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 Bidupur P.S. Case No.523 of 2022, 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 the aforesaid amount in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

