

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39648 of 2023

Arising Out of PS. Case No.-83 Year-2023 Thana- YADOPUR District- Gopalganj

1. HAZARI PRASAD @ HAJARI PRASAD son of Bharat Prasad Village- Sihorawan Ps- jadopur Dist- Gopalganj
2. Pramod Patel son of Laxman Patel Village- Sihorawan Ps- Jadopur Dist- Gopalganj
3. Sanjay Patel son of Late Rama Patel Village- Sihorawan Ps- Jadopur Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devashish Giri

For the Opposite Party/s : Mr. Anil Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-09-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Vide order dated 03.07.2023, the bail application of the petitioner no.1, Hazari Prasad @ Hajari Prasad was dismissed as withdrawn. As such, this application is now being heard with regard to petitioner nos.2 and 3 only.

3. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Amendment Act, 2018.

4. Altogether 180 liters of country made liquor is said to have been recovered from an open place.



5. 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 their names transpired in the case only on the basis of statement of local people. Petitioner no.2 has no criminal antecedent whereas petitioner no.3 has one criminal antecedent.

6. Petitioner nos.2 and 3 are agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) each in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

7. 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 learned Court below, where the case is



pending/Successor court, in connection with Jadopur P.S. Case No.83 of 2023, 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.

(ii) 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.

8. The bail bond of the petitioner nos.2 and 3 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

9. This application is, accordingly, partly allowed.

(Anjani Kumar Sharan, J)

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