

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36518 of 2023

Arising Out of PS. Case No.-252 Year-2020 Thana- KHODAWANDPUR District- Begusarai

1. Biranch Das @ Biren Chand Das S/O Bishweshwar Das R/O Bhushanmani, Ps. Dalkhola, Distt. Uttar Dinajpur (West Bengal)
2. Mohanto Mallik @ Mahanto Mallik S/O Harendra Mallik R/O Sahiyardih, Ps. Rosra, Distt. Samastipur, At Present R/O Mithapur, Baldoria, Ps. Dalkhola, Distt. Uttar Dinajpur (West Bengal)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh

For the Opposite Party/s : Mr. Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 120(B), 414, 465 and 477 of the Indian Penal Code and Sections 30(a) and 41(A) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 1298.82 liters of foreign liquor is said to have recovered from a Tata 407 vehicle. He submits that petitioner no.1 is the owner of the said vehicle, therefore, he has been made accused in this case and petitioner



no.2 is made accused in this case on the basis of the confessional statement of the co-accused person. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits similarly situated other co-accused person has already been granted anticipatory bail by a Coordinate Bench of this Court vide order dated 29.11.2021 passed in Cr. Misc. No. 20530 of 2021. He submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs. 50,000.00/- (Rupees Fifty Thousand) each 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.

5. Considering the facts and circumstance of the case, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on 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 Khodavandpur P.S. Case No. 252 of 2020,



subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioners will not indulge himself in any similar offence till conclusion of the trial.

6. The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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