

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38007 of 2023

Arising Out of PS. Case No.-410 Year-2022 Thana- BISFI District- Madhubani

1. MD. AMIR @ FAIZAN @ AAMIR Son of Sheikh Tanbeer Resident of village - Bisfi Hat, P.S.- Bisfi, District - Madhubani.
2. Md. Jeeshan @ Md. Zeehan Son of Sheikh Tanbeer Resident of village - Bisfi Hat, P.S.- Bisfi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav
		Mr. Ravi Prakash
For the Opposite Party/s	:	Mrs. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

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

3. Altogether 401.940 liters of illicit liquor is said to have been recovered from the two trucks. Four persons were apprehended on the spot and they disclosed the name of the petitioners.

4. 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 have not apprehended on the spot and their name transpired in the case only on the basis of statement of apprehended co-accused persons. He further submits that petitioners are neither the owner nor the driver of the seized trucks. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty 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.

6. 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) 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 Bisfi P.S. Case No.410 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.

(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.

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

(Anjani Kumar Sharan, J)

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