

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39171 of 2023

Arising Out of PS. Case No.-139 Year-2023 Thana- RIGA District- Sitamarhi

1. Daya Shankar Kumar @ Jai Shankar Kumar @ Daya Shankar Prasad @ Jai Shankar Prasad Son Of Naresh Sah Resident Of Village - Khairwa, P.S.- Riga, District - Sitamarhi.
2. Manishankar Kumar Son Of Nirash Mahto Resident Of Village - Khairwa, P.S.- Riga, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-08-2023 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 Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 9.300 liters of Nepali liquor is said to have been recovered in front of the house of co-accused. He submits that there is no specific overt act against the petitioners. Petitioner no. 1 has one criminal antecedent and petitioner no.



2 has no criminal antecedent as mentioned in para-3 of this application.

5. Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) each in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, 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) 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 Riga P.S. Case No. 139 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

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

(2) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.



7. 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 account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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