

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50705 of 2023

Arising Out of PS. Case No.-31 Year-2023 Thana- KARPURIGRAM District- Samastipur

1. Avnish Kumar @ Rishi Kumar Son Of Ramlala Thakur @ Ramlal Thakur
R/O Village-Kon Bajitpur, P.S.-Karpurigram, District-Samastipur
2. Avishek Kumar @ Avishek Thakur Son Of Ramlala Thakur @ Ramlal
Thakur R/O Village-Kon Bajitpur, P.S.-Karpurigram, District-Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shankar Singh

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 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 under Section 30 (a) of the Bihar Prohibition and Excise (Amendment) Act, 2023.

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 22.110 liters of foreign liquor is said to have recovered from a maize field. He submits that petitioners were not present at the place of search and seizure and nothing was seized from their possession or



premises. The petitioner no. 1 has one criminal antecedent and petitioner no. 2 has no criminal antecedent as stated in para-3 of the bail application.

4. Petitioner no.1 is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 the learned Court below where the case is pending/successor Court in connection with Karpurigram P.S. Case No.31 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) That one of the bailors will be a close relative of



the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

6. 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)

anand/-

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