

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51237 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- MALSALAMI District- Patna

RAZO DEVI WIFE OF GOBARDHAN MANJHI RESIDENT OF VIL-
LAGE - MANSOONGANJ MUSAHARI, JHOPARPATTI, P.S. - MAL-
SALAMI, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 51704 of 2023

Arising Out of PS. Case No.-250 Year-2023 Thana- MALSALAMI District- Patna

GUDDU YADAV SON OF LATE PRAKASH RAI RESIDENT OF MO-
HALLA MANSOORGANJ MUSHHARI, PS- MALSALAMI, DIST- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 51237 of 2023)
For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur
(In CRIMINAL MISCELLANEOUS No. 51704 of 2023)
For the Petitioner/s : Mr. Kaushal Kumar
For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2023 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

2. Heard learned counsel for the petitioners and learned



A.P.P. for the State.

3. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 30 (a), 36 and 37 of Bihar Prohibition and Excise Amendment Act, 2016.

4. Altogether 25 liters of country made liquor is said to have been recovered behind the house of the petitioners.

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. He was not apprehended on the spot and his name transpired in the case only on the basis of secret information. Petitioners have no criminal antecedent, which is also mentioned in para-3 of the bail applications.

6. 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: PUNB0141320, Punjab National Bank, Bar Council



Branch, Patna.

7. 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 Malsalami P.S. Case No.250 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 petitioners 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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