

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52350 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- MAHESHKHUNT District- Khagaria

1. GAURAV KUMAR son of Lal Mohan Malakar R/o- Ishwari Tola Banni Ps- Maheshkhunt Dist- Khagaria
2. Shivam Kumar son of Late Prakash Pandit R/o- Navtolia Banni Ps- Maheshkhunt Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Kanhaiya Kishore (App 100)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Act, 2022.

3. Altogether 30.300 liters of foreign liquor is said to have been recovered from a bamboo orchard. The allegation against the petitioners is that after seeing the police, he fled away from the spot.

4. It is submitted by learned counsel for the petitioner 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 enemies. They were not apprehended on the spot and their names transpired in the case only on the basis of statement of local chaukidar. Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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) **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 Maheshkunt P.S. Case No.106 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.

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

(Anjani Kumar Sharan, J)

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