

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55793 of 2023

Arising Out of PS. Case No.-131 Year-2023 Thana- DEWARIA District- Muzaffarpur

1. ABHISHEK KUMAR son of Shambhu rai @ Shiv Shambhu Rai Village-
Budhanpur Ps- Deoriya Dist- Muzaffarpur
2. Shambhu Rai @ Shiv Shambhu Rai son of Binda Ray @ Binod Ray Village-
Budhanpur Ps- Deoriya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar

For the Opposite Party/s : Ms. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 272 and 273/34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act.

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 72.60 liters of foreign liquor is said to have recovered from Bamboo of Raja Patel. He submits that allegation against the petitioners is that they along with other co-accused managed to ran away from the place of



occurrence. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

4. 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.

5. Considering the facts and circumstance of the case and the fact that there is no recovery from the conscious possession of the petitioners, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds 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 Deoriya P.S. Case No. 131 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

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



(ii) The petitioners will not indulge himself in any similar offence till conclusion of the trial.

6. The bail bonds of the petitioners shall be accepted by the learned Court below on showing receipt of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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