

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61530 of 2023

Arising Out of PS. Case No.-99 Year-2023 Thana- MAJORGANJ District- Sitamarhi

1. Ambuj Kumar Son Of Bacha Ray @ Bacha Prasad Ray Resident Of Village -Belwa Ps- Majorganj, Dist- Sitamarhi
2. Rahul Kumar Son Of Shiv Prasad Ray Resident Of Village -BELWA Ps- Majorganj, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-10-2023 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. Petitioners apprehend their arrest in a case registered for the offence punishable under Sections 30(a), 38 and 41 of the Bihar Prohibition and Excise Act, 2018.

3. 684 litres of Nepali liquor has been recovered from one Sumo Victa vehicle. Two persons were apprehended on the spot. The apprehended persons further disclosed the name of these petitioners.

4. It is submitted by the counsel for petitioners that nothing has been recovered from possession of these petitioners and they were not apprehended on the spot. Petitioners have got



no concern with the seized vehicle or the liquor. Petitioners have got one criminal antecedent but not of similar nature.

5. Petitioners are agreed to deposit a sum of Rs. 5,000/- (Rupees Five Thousand) in 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 and the fact that there is no recovery from 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 Exclusive Special Excise Court No. 1 Sitamarhi in connection with Majorganj P.S. Case No. 99 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure; subject to the further conditions that:

(i.) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how they are related with the petitioners. He will also undertake



to inform the Court if there is any change in the address of the petitioners.

(ii.) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after his 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.

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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