

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69069 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- MALI District- Aurangabad

1. NIKHIL KUMAR @ NIKIL KUMAR SON OF YUGESHWAR RAM
RESIDENT OF VILLAGE - CHARAN, P.S - MALI, DISTRICT -
AURANGABAD
2. SHAMBHU KUMAR SON OF PARVESH YADAV RESIDENT OF
VILLAGE - CHARAN, P.S - MALI, DISTRICT - AURANGABAD
3. BIMLESH KUMAR SON OF NAGDEV SINGH RESIDENT OF
VILLAGE - GANGHAR, P.S - MALI, DISTRICT - AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned APP
for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30(a) of the Bihar Excise Prohibition and amended Act, 2018.

3. Altogether 67.320 litres and 25.920 litres of country made liquor is said to have been recovered from a tempo and a motorcycle and one person was apprehended by the police, who disclosed that the petitioners are the persons who escaped from the spot and that they are the members of syndicate in business of illicit liquor.



4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. 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 or the vehicles of recovery. They have not been apprehended on the spot and their name transpired in the case on the basis of the confessional statement of the apprehended co-accused. Petitioner nos.1 and 3 have one criminal antecedent each, of similar nature of offence and petitioner no.2 has no criminal antecedent.

5. Petitioner nos.1, 2 and 3 are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand), Rs.5,000.00/- (Rupees Five Thousand) and Rs.10,000.00 (Rupees Ten Thousand) respectively in the account of Lawyer's Association Welfare/ Benevolent Fund, Patna bearing Account No.42335550065, IFSC Code SBIN0010340, State Bank of India, High Court Campus 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 Mali P.S. Case No.75 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 Lawyer's Association Welfare/ Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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