

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66018 of 2023

Arising Out of PS. Case No.-2 Year-2023 Thana- MEHSI District- East Champaran

1. Nitish Kumar @ Nitesh Kumar Son Of Shiv Narain Sah @ Shree Narain Kumar Sah Resident Of Village Tajpur Bara, Ps- Mehshi, Dist- East Champaran
2. Arbind Kumar Son Of Awadh Sah @ Awadhmuni Sah Resident Of Village Tajpur Bara, Ps- Mehshi, Dist- East Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-11-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable Sections 30 (a), 41(i) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He submits that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 905.31liters of foreign liquor is said to have been recovered from the house of co-accused. He submits that the local Chowkidar disclosed the name of the petitioners. He submits that the similarly situated co-accused has already been



granted bail by a Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 19174 of 2023. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

4. 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: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

5. 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 Mehshi P.S. Case No. 02 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that:

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



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

6. 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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