

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68003 of 2023

Arising Out of PS. Case No.-244 Year-2023 Thana- KESARIA District- East Champaran

1. VISHAL KUMAR son of Shyam Narain Kunwar Village- Dilawarpur Khiri Tola Ps- Keshariya Dist- East Champaran
2. Dhiraj Kumar son of Ajya Kunwar Village- Dilawarpur Karwa Ps- Kesariya Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 03-11-2023 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 272/273 IPC and 30(a) of Bihar Prohibition and Excise Act.

3. Altogether 34.560 litres of foreign liquor is said to have been recovered from a Swift car and one person was apprehended, who disclosed that he along with four others including the petitioner are involved in this business.

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. They have not been apprehended on the spot and their name transpired in the case on the basis of confessional statement of the co-accused, with whom petitioners have inimical term. Petitioner no.1 has no criminal antecedent and petitioner no.2 has two criminal antecedent of similar nature of offence.

5. Petitioner nos.1 and 2 are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) and Rs.15,000.00 (Rupees Fifteen 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 Kesariya P.S. Case No.244 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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