

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78272 of 2023

Arising Out of PS. Case No.-363 Year-2023 Thana- PARBATT A District- Khagaria

1. MD. MAHBOOB @ MD. MAHBUB ALAM S/O MD. NAEEM @ MD. NAEEMUDDIN VILLAGE- BALHA, WARD NO. 13, PS. PARBATT A, DIST. KHAGARIA
2. MD. FIROZ S/O MD. MANSUR VILLAGE- ISLAMPUR, PS. PARBATT A, DIST. KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Sumiran Rai
For the Opposite Party/s:		Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-12-2023 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 30 (a) and 30(F) of Bihar Prohibition and Excise Amendment Act.

3. Altogether 39.2 liters of codeine syrup is said to have been recovered from the place of occurrence and one motorcycle was also seized from the spot. The allegation against the petitioners is that after seeing the police, they fled away from the spot.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no of-



fence. 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 been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot and their names transpired in the case only on the basis of secret information. Petitioners have one criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.5000.00 (Rupees Five Thousand) each in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

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 Parbatta (Maraiya) P.S. Case No.363 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 Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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