

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71232 of 2022

Arising Out of PS. Case No.-554 Year-2022 Thana- HISUWA District- Nawada

1. MITHILESH CHAUDHARY S/o Late Suresh Chaudhary R/o village/mohalla- Phulwariya, P.S.-Hisua, District- Nawada
2. PAPPU CHAUDHARY S/o Ramu Chaudhary @ Shambhu Chaudhary R/o village/mohalla- Phulwariya, P.S.-Hisua, District- Nawada
3. BELLY YADAV @ AJIT YADAV @ AJIT KUMAR S/o Ramswarth Yadav R/o village/mohalla- Phulwariya, P.S.-Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj
For the Opposite Party/s : Mr. Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2023 Heard the parties.

Learned counsel for the petitioner seeks permission to withdraw this application as against the petitioner no.2 as he has been arrested by the police during the pendency of the bail application.

Permission is granted.

Accordingly, this application is dismissed as withdrawn as against the petitioner no.2.

Now, this application is being heard with regard to petitioner nos.1 and 3 only.

The petitioners apprehend their arrest in a case registered



for the offences punishable u/s 30 (a), 41 of Bihar Prohibition and Excise Act, 2016.

Altogether 250 liters of country made liquor is said to have been recovered from a vehicle. The driver of the said vehicle was apprehended on the spot and he disclosed the name of the petitioners.

It is submitted by learned counsel for the petitioners are quite innocent and have committed no offence. 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 statement of apprehended driver of the vehicle. He further submits that the petitioners have no concern with the vehicle from which the recovery has been made. Petitioners have no criminal antecedent.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty 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.



Having regard to the facts and circumstances of the case, let the above named petitioner nos.1 and 3, 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 Hisua P.S. Case No.554 of 2022, 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.

(2) 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.

The bail bond of the petitioner nos.1 and 3 shall be accepted by the learned Court below on showing receipt of



deposit of aforesaid amount in the Patna High Court Legal
Services Committee.

(Anjani Kumar Sharan, J)

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