

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78194 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- KHODAWANDPUR District- Begusarai

1. NITESH KUMAR @ NITISH KUMAR son of Ram Jatan Mahto Village- Bariyarpur Ps- Khodawandpur Dist- Begusaraia
2. Govind KUMAR @ Govind Choudhary @ Aman Raj son of Gopal Choudhary Village Ps- Khodawandpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner apprehend their arrest in a case registered for the offences punishable u/s 420, 467, 468, 471, 272, 273, 120B/34 of IPC and 30 (a)/41(i) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Altogether 1649.880 liters of foreign liquor is said to have been recovered from a truck.

4. It is submitted by learned counsel for the petitioners that 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 name transpired in the case only on the basis of statement of apprehended co-accused. Petitioner no.1 has no criminal antecedent and petitioner no.2 has four criminal antecedent out of which two are of similar nature of offence.

5. Petitioner no.1 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) and petitioner no.2 is agreed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand) 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 Khodawandpur P.S. Case No.228 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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