

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3470 of 2023

Arising Out of PS. Case No.-12 Year-2021 Thana- GOVERNMENT OFFICIAL COMP. Dis-
trict- Madhepura

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1. SANTOSH KUMAR Son of Anil Yadav Resident of village - Raghunathpur,
Ward No. 8, P.S.- Murliganj, District - Madhepura.
 2. Anil Yadav Son of Late Harinandan Yadav Resident of village - Raghunath-
pur, Ward No. 8, P.S.- Murliganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehends their arrest in a case regis-
tered for the offences punishable u/s 30 (a) of Bihar Prohibition
and Excise Act.

Altogether 158.625 liters of foreign liquor is said to have
been recovered from the straw house of co-accused Kapil deo
Yadav. The allegation against the petitioners is that after seeing
the police, they fled away from the spot.

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 con-



scious 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 enemies. They were not apprehended on the spot and their names transpired in the case only on the basis of suspicion. He further submits that the said recovery has been made from the straw house of co-accused and the petitioners have no concern with it. Petitioners have no criminal antecedent.

Petitioners are agreed to deposit a sum of Rs20,000.00 (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 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 Madhepura P.S. Case No.12 of 2021, 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 petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid in the Patna High Court Legal Services Committee.

(Anjani Kumar Sharan, J)

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