

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.789 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- MADHUBAN District- East Champaran

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PRADEEP KUMAR S/o Surendra Prasad @ Surendra Kumar Kushwaha
Resident Of Village- Jogauliya Kharsal, P.S.- Madhuban, Distt- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 1887 of 2023

Arising Out of PS. Case No.-383 Year-2022 Thana- MADHUBAN District- East Champaran

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VIKASH KUMAR Son of Narad Rai Resident of Village- Rupani, P.S.-
Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 789 of 2023)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

(In CRIMINAL MISCELLANEOUS No. 1887 of 2023)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 As both these bail applications have cropped up from the

same police station case number, hence, with consent of parties,

they are being heard together and disposed of by this common

order.

Heard learned counsel for the petitioners as well as

learned APP for the State through virtual Court proceedings.



The petitioners apprehend their arrest in a case registered for the offences punishable u/s 272, 273 of the IPC and 30 (a), 32, 41(i) of Bihar Prohibition and Excise Act.

Altogether 210.960 liters of foreign liquor is said to have been recovered from bamboo orchard of one Hadish Mian. 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 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 suspicion of the local police. He further submits that the petitioners are not the owner of the said bamboo orchard from where the said liquor has been recovered. Petitioners have one criminal antecedent.

Petitioners are agreed to deposit a sum of Rs.30,000/- (Rupees Thirty Thousand) **each** in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi



Main Branch, UPI ID : pmcares@sbi.

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 Madhuban P.S. Case No.383 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 petitioners shall be accepted by the



learned Court below on showing receipt of deposit of aforesaid
in the PM Cares fund.

(Anjani Kumar Sharan, J)

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