

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52089 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- SRINAGAR District- West Champaran

1. MADAN MUKHIYA SON OF LATE JEEUT MUKHIYA RESIDENT OF VILLAGE - PUJAHAN PATJIRWA, P.S. - SRINAGAR, DISTRICT - WEST CHAMPARAN
2. AKLU MUKHIYA @ AKALU MUKHIYA SON OF LATE JEEUT MUKHIYA RESIDENT OF VILLAGE - PUJAHAN PATJIRWA, P.S. - SRINAGAR, DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharad Kumar Verma, Adv.

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30 (a) of Bihar Prohibition and Excise Act, 2016.

3. Altogether 10 liters of country made liquor is said to have been recovered from the spot and it is alleged that petitioners fled away on seeing the police.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case due to ulterior motive. 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 were not apprehended on the spot and their name transpired in the case on disclosure of local chaukidar. The place of recovery does not belongs to the petitioners. Petitioner no.1 has three criminal antecedent of similar nature of offence and petitioner no.2 has no criminal antecedent.

5. Considering that the petitioner no.1 has three criminal antecedent in similar nature of offence, I am not inclined to enlarge him on anticipatory bail. The prayer for grant of bail on behalf of petitioner no.1 is hereby rejected.

6. However, petitioner no.2 is agreed to deposit a sum of Rs.5,000.00 (Rupees Five 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, Patna.

7. Having regard to the facts and circumstances of the case, let the above named petitioner no.2, be released on bail, in the event of his 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) 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 Srinagar P.S. Case No.55 of 2024, 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.

8. The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the account of Mahavir Cancer Sansthan.

9. The present application is accordingly partly allowed.

(Anjani Kumar Sharan, J)

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