

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59809 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- MINAPUR District- Muzaffarpur

1. RAJU KUMAR @ RAJU ROU @ RAJU ROY SON OF JAGAT RAI
RESIDENT OF VILLAGE - MAKSUDPUR, P.S. - MINAPUR, DISTRICT
- MUZAFFARPUR
2. SIHANI DEVI WIFE OF JAGAT RAI RESIDENT OF VILLAGE -
MAKSUDPUR, P.S. - MINAPUR, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor
For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 21-08-2024 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 272, 273, 420, 414, 467, 468, 34 of the IPC and section 30 (a) of Bihar Prohibition and Excise Act, 2022 (Amended).

3. Altogether 847.05 liters of foreign liquor is said to have been recovered from the tractor of the petitioner no.2.

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. Petitioners were not apprehended on the spot and name of petitioner no.2 transpired in this case on the basis that she is owner of the said tractor and there is no allegation against the petitioner no.1. Further, petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

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

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 Minapur P.S. Case No.260 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 petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners 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 account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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