

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69785 of 2024

Arising Out of PS. Case No.-309 Year-2024 Thana- RAJNAGAR District- Madhubani

1. Pappu Kumar Rai @ Pappu Kumar Son of Kishor Rai R/O Vill.- Mahanthpatti, P.s.- Rajnagar, Dist.- Madhubani.
2. Deepa Devi @ Priyanka Naskar Wife of Mithilesh Kumar Rai R/O Vill.- Mahanthpatti, P.s.- Rajnagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratnakar Jha, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 Heard Mr. Ratnakar Jha, learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 274, 275, 3(5) of Bhartiya Nyay Sanhita 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 844 litres of illegal liquor is said to have recovered from the Esbestos house of Shivjee Paswan and 34 litres of illicit liquor from the motorcycle of co-accused Ranjeet Kumar Rai. He submits that the petitioner has been implicated in this case on the basis of confessional



statement of co-accused, Ranjeet Kumar Rai before the police which has no evidentiary value in the eye of law. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) **each** in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 the learned Court below where the case is pending/successor Court in connection with Raj Nagar P.S. Case No.309 of 2024 subject to the condition as laid down under Section 482 (2) of the BNSS, subject to the further conditions that:

(1) 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.

(2) That the bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

6. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

7. However, the learned Court below is directed to verify the criminal antecedent of the petitioners before accepting the bail bond. If it is found that the petitioners are involved in any other case of similar nature prior to the present case, other than the cases mentioned in para-3 of the bail application, their bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

anand/-

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