

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69365 of 2024

Arising Out of PS. Case No.-208 Year-2024 Thana- NASRIGANJ District- Rohtas

1. Sudama Bhuiyan @ Sudma Bhuiyan S/o Late Phaguni Bhuiyan Resident of Village - Panduri, PS- Nasriganj, District- Rohtas
2. Kuldeep Bhuiyan s/o Late Kishuni Bhuiyan @ Kishun Bhuiyan Resident of Village - Panduri, PS- Nasriganj, District- Rohtas

... .. Petitioners.

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 At the very outset, learned counsel for the petitioners seeks permission to withdraw this application submitting that during pendency of this application the petitioner no.1 has already been apprehended by the police.

2. Permission is granted.

3. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.1 only.

4. Now, this application survives only for petitioner no.2.

5. Heard learned counsel for the petitioner and learned A.P.P. for the State.

6. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 30 (a) of



the Bihar Prohibition and Excise Act.

7. It is submitted by learned counsel for the petitioner that no incriminating article has been recovered from the conscious physical possession of the petitioner rather 8.9 liters of country made liquor is said to have been recovered in front of the house of the petitioner. Petitioner has no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The place of recovery is an open place and easily accessible to anyone. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

8. Petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Mahavir Cancer Sansthan, bearing Account No.3332964762, Central Bank of India, Chitkohra Branch, IFSC Code :CBIN0282779 (fifth character is zero), MICR Code : 800016018.

9. 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 Nasriganj P.S. Case No. 208 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

10. The bail bond of the petitioner no.2 shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan. The learned Court below is further directed to verify the criminal antecedent of petitioner no.2 before accepting the bail bond and if it is found that the petitioner no.2 has criminal antecedent of similar nature of the offence in that eventuality his bail bond shall not be accepted.

(Anjani Kumar Sharan, J)

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