

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69741 of 2024

Arising Out of PS. Case No.-40 Year-2024 Thana- Excise P.S. District- Saharsa

1. Rahul Kumar Son of Dilip Chaudhary Resident of Village- Bengaha, P.S. and District- Saharsa
2. Neeraj Kumar Son of Pramod Bhagat Resident of Mohalla- Refugee Colony Sarahi Ward No. 5/40 Bengaha, P.S. and District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha, Adv.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-10-2024 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 under Section 30 (a) of the Bihar Prohibition and Excise Act.

3. Altogether 92.100 litres of cough syrup and 15 litres of foreign liquor have been recovered from Anju Niwas. Two persons were apprehended on the spot and disclosed the name of the petitioners, who got succeeded in fleeing away.

4. 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 rather the



alleged recovery has been made from Anju Niwas, which does not belong to the petitioners. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is totally false and based on concocted facts. They were not apprehended on the spot. Learned counsel further submits that petitioner no.2 has been made accused in the present case merely because his father is care taker of the said house. Both the petitioners have no concern with the said residential complex. It is further submitted that petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent of similar nature of offence that of the present case.

5. Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) and Rs. 10,000.00 (Rupees Ten Thousand), respectively in 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 Excise (Saharsa) P.S. Case No. 40 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, subject to the further conditions that

(1) 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) That 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 after his 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.

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

(Anjani Kumar Sharan, J)

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