

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70582 of 2024

Arising Out of PS. Case No.-467 Year-2024 Thana- MANER District- Patna

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1. Bidhan Kumar Son of Surya Narain Rai @ Surya Narain Singh R/O Vill.- Ratan Tola, P.S.- Maner, Dist.- Patna
 2. Bittu Kumar Son of Surya Narain Rai @ Surya Narain Singh R/O Village- Ratan Tola, P.S.- Maner, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sourendra Pandey
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-10-2024 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, 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 84 litres of foreign liquor is said to have recovered from different motorcycles and 264 litres of foreign liquor is said to have been recovered from the bank of the Ganga. He submits that the petitioners' name cropped up in



the confessional statement of co-accused persons. He further submits that the petitioners are not the owner of the motorcycles. The petitioner no. 1 has no criminal antecedent and petitioner no. 2 has one criminal antecedent but the police, during the investigation, have wrongly stated that the petitioner no. 2 has two criminal antecedents.

4. Petitioners are agreed to deposit a sum of Rs.5,000/- (Rupees Five 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 Maner P.S. Case No.467 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 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.

(Anjani Kumar Sharan, J)

anand/-

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