

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73680 of 2024

Arising Out of PS. Case No.-440 Year-2024 Thana- MASHRAK District- Saran

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1. Dinesh Kumar Yadav @ Dinesh Ray S/O Late Chandeshwar Prasad Yadav R/O Village- Dabchu, Siwan,Bihar- 841420.
 2. Arjun Mahto S/O Vikarma Mahto R/O Village- Chand Kudariya Thana, Mashrak,Saran,Bihar- 841410.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishesh Kumar Singh
For the Opposite Party/s : Mrs. Asha Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 26-10-2024 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, 2022 and Section 338, 336(3), 340(2), 3(5) of the Bharatiya Nyaya Sanhita, 2023.

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 708.48 litres of foreign liquor is said to have recovered from the Truck. He submits that from perusal of the F.I.R. and seizure list it appears that all the



police officials were witness to the said occurrence. No independent witness came forward to support the prosecution case. He further submits that petitioner no. 1 has three criminal antecedent out of which two antecedents are of similar nature and petitioner no. 2 has one criminal antecedent of similar nature as stated in para-3 of the bail application.

4. Petitioner no. 1 is agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) and petitioner no. 2 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) 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 Mashrakh P.S. Case No.440 of 2024, subject to the condition as



laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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)

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