

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75312 of 2024

Arising Out of PS. Case No.-62 Year-2020 Thana- RAGHOPUR District- Vaishali

1. Suman Devi Wife of Jay Kant Ray R/O-Village- Sukumarpur, P. S. - Rustampur (O.P.), District- Vaishali
2. Kavita Devi Wife of Shrikant Ray Shri Kant Yadav @ Kallu Ray R/O-Village- Sukumarpur, P. S. - Rustampur (O.P.), District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 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 Sections 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2018.

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 330 litres of country made liquor is said to have recovered from the place of occurrence. He submits that petitioners were not present at the place of



occurrence and have no concern with the alleged recovery. He further submits that no compliance of Section 100 of Cr.P.C. has been made in the present case. The petitioners have no criminal antecedent as stated in para-3 of the bail application.

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 petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of eight 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 Raghapur P.S. Case No.62 of 2020, 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 petitioner.

(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 bonds. If it is found that the petitioners are involved in any other case prior to the present case their bail bonds shall not be accepted.

(Anjani Kumar Sharan, J)

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