

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75168 of 2024

Arising Out of PS. Case No.-209 Year-2024 Thana- DELHA District- Gaya

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1. Jyoti Paswan S/O Shambhu Paswan @ Shambhu Prasad R/O Village- Pahsi, Bangla Asthan, P.S- Delha, Distt.- Gaya.
 2. Badri Paswan @ Badra Paswan S/O Shambhu Paswan @ Shambhu Prasad R/O Village- Pahsi, Bangla Asthan, P.S- Delha, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-11-2024 Heard learned counsel for the petitioners and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable u/s 30(a) of Bihar Prohibition and Excise Act, 2022.

3. Altogether 483 liters of illicit liquor is said to have been recovered from a small room situated at Bam Baba Bageshwari hill.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No incriminating article has been recovered from the conscious



physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They were not apprehended on the spot and their name transpired in the case on the basis of statement made by the local people. It is further submitted that recovery is made from open room situated at a hill which is open for all. Petitioners have three criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) each in the 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 Delha P.S. Case No.209 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the following conditions:



(i) 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.

(ii) 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 and thereafter the Court below will be at liberty to initiate proceeding for cancellation of anticipatory 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 aforesaid amount in the account of Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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