

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77127 of 2024

Arising Out of PS. Case No.-868 Year-2024 Thana- MAHUA District- Vaishali

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1. Udit Kumar Son of Mr. Jagat Narayan Singh Resident of Village - Chainpupr, Chakmgahid, P.S. - Mahua, District - Vaishali
 2. Bhola Kumar @ Ravi Kumar Son of Mr. Tejnarayan Singh Resident of Village - Chainpupr, Chakmgahid, P.S. - Mahua, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-11-2024 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 274, 275, 317(5), 318(4), 338, 3(5) of the Bhartiya Nyaya Sanhita, 2023 and Sections 30(a), 32(1) and 41(1) of the Bihar Prohibition and Excise Act.

3. It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 397.4 liters of country made liquor is said to have been recovered from the truck and the motorcycle. Petitioners 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 not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case only on the basis of secret information. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

4. Learned counsel for the State opposes the prayer for bail of the petitioners.

5. Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) 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) 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 Mahua P.S. Case No. 868 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.,



subject to the further conditions that

(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 petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) 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.

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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