

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77648 of 2024

Arising Out of PS. Case No.-362 Year-2024 Thana- SURSAND District- Sitamarhi

1. Umesh Yadav Son of Late Awadhesh Yadav R/O Village - Sursand Ashok Chowk, P.S. - Sursand, Dist. - Sitamarhi. Correct Address- R/o village -Sursand Uttari, P.O. - Sursand ward no. -14, P.S. - Sursand, Dist. -Sitamarhi
2. Rakesh Kumar Son of Shambhu Prasad R/o village -Sursand Ashok Chowk, P.O. - Sursand ward no. -16, P.S. - Sursand, Dist.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-11-2024 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 u/s 30 (a) of the Bihar Prohibition and Excise Amendment Act, 2022.

3. Altogether 80.7 liters of illicit liquor is said to have been recovered from the motorcycle.

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 only on the basis of suspicion. They were not apprehended on the spot and their name transpired by the apprehended person.



Petitioners have no criminal antecedent.

5. Petitioners are agreed to deposit a sum of Rs. 5,000/- (Rupees Five 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 his 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 Sursand P.S. Case No. 362 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.

8. The court below is directed to verify the criminal antecedent of the petitioner. If it is found that the petitioners have criminal antecedent in similar nature of offence, then the bail bond of the petitioners will not be accepted by the learned court below.

(Anjani Kumar Sharan, J)

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