

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77928 of 2024

Arising Out of PS. Case No.-181 Year-2024 Thana- NAYAGAON District- Saran

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1. Tarkeshwar Ray @ Tarkeshwar Rai S/O Ramsurat Ray R/O Village- Bariyarchak, P.S.- Nayagaon, District- Saran at Chapra (Bihar)
 2. Rambhu Ray @ Rambhu Kumar S/O Tarkeshwar Ray @ Tarkeshwar Rai R/O Village- Bariyarchak, P.S.- Nayagaon, District- Saran at Chapra (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar, Advocate
For the Opposite Party/s : Ms. Meena Singh, APP

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 Bihar Prohibition and Excise Amendment Act.

3. Altogether 80 liters of country made liquor is said to have been recovered from the bush.

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 due to ulterior motive. 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 suspicion. Petitioner no.1 has one criminal antecedent whereas the petitioner no.2 has got clean antecedent.

5. Petitioner no.1 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) and petitioner no.2 is agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) 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, considering the recovery of liquor, 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 Nayagaon P.S. Case No. 181 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C, with the



following condition:

(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.

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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