

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81506 of 2024

Arising Out of PS. Case No.-279 Year-2019 Thana- SULTANGANJ District- Patna

1. RAUSHAN KUMAR S/O- MAHESH PRASAD RESIDENT OF VILLAGE-BAZAR SAMITI, PANCHWATI, NAGER, POLICE STATION-BAHADURPUR. DIST- PATNA
2. Rajeev Kumar @ Rajiv Kumar S/o- Prakash Narayan sinha Village-Musallahpur Haat Mahendru Ps- Pirabahor Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2024 Heard learned counsels for the parties.

2. Learned counsel for the petitioners seeks permission to withdraw this application as against the petitioner no.2, as he has been arrested by the police during the pendency of the bail application.

3. Permission is granted.

4. Accordingly, this application with regard to the petitioner no.2 is dismissed as withdrawn.

5. Now, this application is being heard only with regard to the petitioner no.1.

6. The petitioner no.1 apprehends his arrest in a case registered for the offences punishable u/s 30 (a) of Bihar



Prohibition and Excise Act.

7. Altogether 3.800 liters of illicit liquor is said to have been recovered from a scooty. One person was apprehended on the spot and he disclosed the name of the petitioner.

8. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and has committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioner. He has no concern either with the seized liquor or any trade of liquor. He has been falsely implicated in this case at the instance of his enemy. He was not apprehended on the spot and his name transpired in the case only on the basis of suspicion. Petitioner has no criminal antecedent.

9. Petitioner no.1 is agreed to deposit a sum of Rs.5000.00 (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.

10. Having regard to the facts and circumstances of the case, let the above named petitioner no.1, 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) 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 Sultanganj P.S. Case No.279 of 2019, 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 petitioner, 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 petitioner.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is 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.

11. The bail bond of the petitioner no.1 shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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