

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81552 of 2024

Arising Out of PS. Case No.-530 Year-2024 Thana- Excise P.S. District- Nawada

1. Dhiraj Kumar @ Lallu Son of Kaushal Singh Resident of Village- Barahauna, P.S. Hisua, District- Nawada,
2. Laxhman Kumar Son of jaib Singh Resident of Village- Barahauna, P.S. Hisua, District- Nawada,
3. Prince Kumar Son of Manoj Singh Resident of Village- Murgia Chak, P.S.- Wazirganj, District- Gaya,

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-12-2024 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) & 47 of Bihar Prohibition and Excise Act, 2016/Amendment Act, 2018.

3. Altogether 805 liters of foreign liquor is said to have been recovered from the place of occurrence.

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. They have no concern either with the seized



liquor or any trade of liquor. They were not apprehended on the spot and the apprehended person disclosed the name of the petitioners. Petitioner no.1 has four criminal antecedent out of which three are in similar nature of offence, petitioner no.2 has three criminal antecedent out of which two are in similar nature of offence and petitioner no.3 has two criminal antecedent of similar nature.

5. Petitioner no.1 is agreed to deposit a sum of Rs.30,000.00 (Rupees Thirty Thousand), petitioner no.2 is agreed to deposit a sum of Rs. 25,000.00 (Rupees Twenty Five Thousand) and petitioner no.3 is agreed to deposit a sum of Rs. 20,000.00 (Rupees Twenty 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, 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 Excise P.S. Case No. 530 of 2024, subject to the condition as laid down under Section 482(2) of the B.N.S.S., 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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