

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82252 of 2024

Arising Out of PS. Case No.-261 Year-2024 Thana- Excise P.S. District- Vaishali

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1. Pawan Kumar Son of Jaikant Rai Resident of Village-Ward No. 11, Daudnagar, P.S.- Bidupur, Distt.- Viashali
 2. Subodh Rai Son of Late Shivshankar Ray Resident of Village-Ward No. 11, Daudnagar, P.S.- Bidupur, Distt.- Viashali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shabina Talat, Adv.

For the Opposite Party/s : Mr. Dilip Kumar No.1, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-12-2024 Heard Ms. Shabina Talat, learned counsel for the petitioners and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a), 32(3) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Altogether 300 litres of country made liquor has been recovered from the seized vehicle.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious possession of the petitioners or from their house.



They have no concern either with the seized liquor or the place of recovery or any trade of liquor or the seized vehicle. The allegation levelled against the petitioners is totally false and based on concocted facts. They were not apprehended on the spot. Their names have been transpired in the present case merely on the basis of secret information. Learned counsel further submits that petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent of similar nature of offence that of the present case.

5. Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) **each** 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) 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 Hajipur Excise P.S. Case No. 261 of 2024, subject to the condition as laid down under Section 482(2) of the



BNSS, 2023, subject to the further conditions that

(1) 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.

(2) That 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 after his 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 bonds 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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