

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81031 of 2024

Arising Out of PS. Case No.-412 Year-2023 Thana- BABUBARHI District- Madhubani

1. Krishan Kumar Mahto @ Krishana Kumar Mahto S/O Dhaniklal Mahto R/o - Salkhaniya, Mahto Tola, P.S - Babubarhi, District - Madhubani.
2. Chandan Kumar Mahto S/O Dhaniklal Mahto R/o - Salkhaniya, Mahto Tola, P.S - Babubarhi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, 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 272, 273, 34 of IPC and Section 30(a) of Bihar Prohibition and Excise Act.

3. Altogether 11.485 liters of Nepali liquor is said to have been recovered from a thatched house and it is alleged that he is involved in selling of illicit liquor.

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. 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 on the basis of secret information. Place from where recovery has been made is not the personal property of the petitioners rather it is joint family property. Petitioner no. 1 has one criminal antecedent in similar nature of offence and petitioner no. 2 has no criminal antecedent as mentioned in para 3 of the bail application.

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, 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 Babubarhi P.S. Case No.412 of 2023, 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.

(Anjani Kumar Sharan, J)

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