

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82078 of 2024

Arising Out of PS. Case No.-601 Year-2024 Thana- Excise P.S. District- Nawada

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1. Dablu Kumar Son of Bisheshwar Chouhan Resident Of Village- Beldariya, P.S.- Warisaliganj, District Nawada
 2. Sachin Kumar Son of Lalo Chouhan Resident of Village- Beldariya, P.S.- Warisaliganj, District- Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Sachin Kumar Son of Lalo Chouhan Resident Of Village- Beldariya, P.S.- Warisaliganj, District Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate
For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, 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 the Bihar Prohibition and Excise Act.

3. Altogether 20 liters of country made liquor is said to have been recovered from the motorcycle.

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 petitioner. 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. Learned counsel for the petitioners has submitted that it is wrongly mentioned in the impugned order that 66 litres of illicit liquor was recovered. Petitioner no.1 has one criminal antecedent whereas petitioner no.2 has no criminal 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, let the above named petitioner, 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 Excise Nawada P.S. Case No. 601 of 2024, 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.

7. The bail bond of the petitioner 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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