

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83856 of 2023

Arising Out of PS. Case No.-1076 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Anita Gupta Wife Of Sri Sanjeev Kumar Resident Of Village- Jai Prabha Nagar Ward No. 29/30 Kayasth Tola Municipal Corporation Saharsa Ps And Distt- Saharsa
2. Saurav Kumar Son Of Sri Sanjeev Kumar Resident Of Village- Jai Prabha Nagar Ward No. 29/30 Kayasth Tola Municipal Corporation Saharsa Ps And Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-01-2024 Heard Mr. Amarnath Jha, 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016 Amendment 2018 and 2022.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 362.88 liters of foreign liquor is said to have recovered from the vehicle. He submits



that petitioner no. 1 is the owner of the said vehicle and petitioner no. 2 is son of petitioner no. 1. He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) **each** in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna..

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 the learned Court below where the case is pending/successor Court in connection with Khalgaon (Ghogha OP) P.S. Case No.1076 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that:

(1) That one of the bailors will be a close relative of



the petitioners, who will give an affidavit giving genealogy as to who 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.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their 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.

6. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

anand/-

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