

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.84234 of 2024**

Arising Out of PS. Case No.-404 Year-2024 Thana- BAIRIYA District- West Champaran

1. Dipu Kumar @ Deepu Prasad Son of Pannalal Mahto Resident of Village - Tadhwanandpur Khalwa Tola, P.S. - Bairiya, District - West Champaran
2. Baliram Sah @ Baliram Kumar Son of Mithu Sah @ Hareshwar Shah Resident of Village - Tadhwanandpur Pokhri Tola, P.S. - Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raki Alam, Advocate  
For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      16-12-2024      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 274, 275 of B.N.S. and 30(a) of Bihar Prohibition and Excise Act.

3. Altogether 34.35 liters of illegal liquor is said to have been recovered from the place of occurrence. Two persons fled away 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. 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 disclosure made by chowkidar and villagers. Petitioner no.1 has one criminal antecedent in similar nature of offence and petitioner no.2 has three criminal antecedent in which two are in similar nature of offence.

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.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 Bairiya P.S. Case No.404 of 2024,



subject to the condition as laid down under Section 482 (2) of the BNSS, 2023, 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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