

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87074 of 2024

Arising Out of PS. Case No.-352 Year-2024 Thana- LAURIA District- West Champaran

1. Nayan Kumar S/O Nagina Rai R/O Village- Bharwa Toli, P.S- Lauriya, Distt.- West Champaran.
2. Monu Jaiswal @ Hishit Kumar Jaiswal @ Rishit Kumar Jaiswal S/O Late Krishna Prasad @ Late Krishna Jaiswal R/O Village- Lauriya Bajar, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.
For the Opposite Party/s : Ms. Sangeeta Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-12-2024 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 and 275 of B.N.S and 30(a) of Bihar Prohibition and Excise Amendment Act, 2022.

3. Altogether 17.385 liters of illicit country made liquor is said to have been recovered from place of occurrence.

4. It is submitted by learned counsel for the petitioners that the petitioners are 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. Petitioner no.1 has no criminal antecedent and petitioner no.2 has one criminal antecedent.

5. Petitioner no. 1 is agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

6. Petitioner no.2 is agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

7. 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 Lauriya P.S. Case No.352 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 petitioners. 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.

8. 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 Lawyer's Association Welfare Benevolent Fund.

(Anjani Kumar Sharan, J)

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