

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85585 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- KUDHNI District- Muzaffarpur

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1. Manish Rai @ Manish Kumar S/O Daroga Ray R/O Village-Chandrahia, P.S.-Kudhani, O.P.-Turki, District-Muzaffarpur.
 2. Sunil Kumar @ Sunil Kumar Rai S/O Nageshwar Rai R/O Village-Chandrahia, P.S.-Kudhani, O.P.-Turki, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2024 Heard Mr. Yugal Kishore, learned counsel for the
petitioners and Mr. Dilip Kumar No. 1, learned A.P.P. for the State.

2. Learned counsel for the petitioners seeks
permission to withdraw this application with regard to petitioner
no. 1 submitting that during pendency of this application the
petitioner no. 1 has already been apprehended by the police.

3. Permission is granted.

4. Accordingly, this application with regard to
petitioner no. 1 is dismissed as withdrawn.

5. Now, this application is being heard only with
regard to petitioner no. 2.

6. Heard learned counsel for the petitioner and
learned APP for the State.

7. The petitioner apprehends his arrest in a case



registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

8. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioner rather 333 liters of foreign liquor is said to have recovered from the field of Rijan Rai. He submits that the name of the petitioner has been transpired in this case only on the basis of secret information. He further submits that the petitioner has not concern with the land of Rijan Rai or with the illicit liquor. The petitioner has no criminal antecedent as stated in para-3 of the bail application.

9. Petitioner no. 2 is agreed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand) in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna..

10. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioner, let the above named petitioner no. 2, 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 the learned Court below where the case is pending/successor Court in connection with Kudhani (O.P. Turki) P.S. Case No.163 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 petitioner, who will give an affidavit giving genealogy as to who 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.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioner is 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.

11. The bail bond of the petitioner 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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