

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85821 of 2024

Arising Out of PS. Case No.-315 Year-2024 Thana- MAHNAR District- Vaishali

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1. Sanoj Kumar @ Sanoj Rai Son of Ram Pravesh Rai @ Ram Pravesh Ray Resident Of Village- Lahori Chak, PS- Mahnar, Distt.- Vaishali
 2. Sunil Rai Son of Ram Pravesh Rai @ Ram Pravesh Ray Resident Of Village- Lahori Chak, PS- Mahnar, Distt.- Vaishali
 3. Randhir Rai Son of Lal Bahadur Rai Resident Of Village- Lahori Chak, PS- Mahnar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh, Adv.
For the Opposite Party/s : Mr. Madan Kumar, 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 under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

3. Altogether 400 litres of country made liquor has been recovered from bank of Ganga river near village Lahori Chak. On seeing the police, the accused persons including the petitioners are said to have fled away from the spot on boat.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious



possession of the petitioners or from their house. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is totally false and based on concocted facts. They were not apprehended on the spot. Their names have been transpired in the present case merely on the basis of false identification made by local Chaukidar. Learned counsel further submits that petitioner no.1 has no criminal antecedent, petitioner no.2 has one criminal antecedent and petitioner no.3 has two criminal antecedents as mentioned in para 3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs. 5,000.00/- (Rupees Five Thousand), Rs. 10,000.00/- (Rupees Ten Thousand) and Rs. 15,000.00/- (Rupees Fifteen Thousand), respectively in 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 Mahnar P.S. Case No. 315 of 2024, subject to the condition as laid down under Section 482(2) of the BNSS, 2023, 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 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.

(2) That 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 after his 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.

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

(Anjani Kumar Sharan, J)

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