

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85817 of 2023

Arising Out of PS. Case No.-49 Year-2020 Thana- NAUBATPUR District- Patna

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1. Manish Kumar S/O UPENDRA MAHTO @ UPENDRA KUMAR VILLAGE- ALABALPUR, PS. NAUBATPUR, DIST. PATNA.
 2. AMIT KUMAR @ MANTU KUMAR S/O ARVIND MAHTO VILLAGE- BARUNA, PS. NAUBATPUR, DIST. PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr.Nityanand, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 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 Section 30(a), 32(1)(3), 41(1)(2) of the Bihar Prohibition & Excise (Amendment) Act, 2016.

3. Altogether, 763.138 litres of illicit liquor has been recovered from the place of occurrence. One person was apprehended on the spot.

4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. 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. The allegation levelled against the petitioners is general and omnibus in nature. They were not apprehended on the spot. They had not consumed liquor. They have been made accused in the present case merely on the basis of the confessional statement of the apprehended co-accused, namely, Vikrant Kumar. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each 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 Naubatpur P.S. Case No. 49 of 2020, 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 how 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) 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.

7. The bail bond 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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