

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85790 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- PHENHARA District- East Champaran

1. Vikash Chaudhary S/O Kishor Chaudhary Resident of Ward no.- 6, Phenhara, P.s.- Phenhara, Dist.- East Champaran.
2. Jitendra Chaudhary S/O Kishor Chaudhary Resident of Ward no.- 6, Phenhara, P.s.- Phenhara, Dist.- East Champaran.
3. Gini Devi W/O Sanjay Chaudhary Resident of Ward no.- 6, Phenhara, P.s.- Phenhara, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Rathore

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioners apprehends their arrest in a case registered for the offences punishable u/s 274, 275 of the BNS and 30 (a) of Bihar Prohibition and Excise Amendment Act, 2016.

3. Altogether 35 liters of country made liquor is said to have been recovered from the spot. One person was apprehended by the police and he disclosed the name of the petitioners as their associates.

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 physical possession of the petitioners. They have no concern either with the seized liquor or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. They were not apprehended on the spot and their names transpired in the case only on the basis of statement of apprehended co-accused. Petitioner no.1 has two criminal antecedents in similar nature of offence and petitioner no.2 and 3 have no criminal antecedent.

5. Petitioner no.1 is agreed to deposit a sum of Rs.15,000.00 (Rupees Fifteen Thousand) and petitioner nos.2 and 3 are ready to deposit Rs.5000.00 (Rupees Five Thousand) **each** in the account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra Branch.

6. Having regard to the facts and circumstances of the case, let the above named petitioners, 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) **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 Phenhara P.S. Case No.129 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 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.

(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.

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 Mahavir Cancer Sansthan.

(Anjani Kumar Sharan, J)

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