

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85448 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- UDAKISHUNGANJ District-
Madhepura

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1. Anita Devi W/O BAIJNATH MAHTO VILLAGE- UDA, WARD NO. 3, PS. UDAKISHUNGANJ, DIST. MADHEPURA.
 2. GUDOO KUMAR S/O BAIJNATH MAHTO VILLAGE- UDA, WARD NO. 3, PS. UDAKISHUNGANJ, DIST. MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Adv.
For the Opposite Party/s : Mr.Kanhiya Kishor, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2024 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) of the Bihar Prohibition & Excise Amendment Act, 2022.

3. Altogether, 105 litres of country made liquor has been recovered from the plastic gallon. Petitioners are said to have fled away from 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 place of recovery 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 on the basis of the confessional statement of the apprehended co-accused Baijnath Mahto. Petitioners have no criminal antecedent 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) 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 Udakishunganj P.S. Case No. 198 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 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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