

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3255 of 2025

Arising Out of PS. Case No.-721 Year-2024 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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1. Niraj @ Niraj Kumar Singh Son of Rajendra Singh Resident of Village- Gyaspur PS -Sadar District- Muzaffapur P/A- Patahi Gadahiya, Ps- Sadar, Dist- Muzaffarpur
 2. Chandan Kumar @ Chandan Chaudhary Son of Late Mukesh Kumar Chaudhary village- Kharauna Jairam, Ps- Turki, Dist- Muzaffarpur
 3. Mukesh Sah Son of Late Bhulan Sah village- Pakri Ismail, Ps- Sadar, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Kumar, Adv.
For the Opposite Party/s : Ms. Meena Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 07-02-2025 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 u/s 318(4), 338, 336(3), 340(2), 317,(5), 61(2) of the B.N.S. and Sections 30(a), 32(ii), 36, 41(i) of the Bihar Prohibition and Excise Act.

3. Altogether 3546 litres of illicit liquor is said to have been recovered from different vehicles. One person was apprehended from the place of occurrence and disclosed the name of the petitioners who managed to flee away.

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 or from their house. They have no concern either with the seized liquor or any trade of liquor. They are neither driver nor owner of any of the seized vehicles. They were not apprehended on the spot. Their names have been transpired in the present case merely on the basis of the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Learned counsel further submits that petitioner no.1 has two criminal antecedents, whereas petitioner nos. 2 & 3 have one criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs.50000.00 (Rupees Fifty Thousand) **each** in the account of Lawyer's Association Welfare Benevolent Fund, Patna, bearing Account No.7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, 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 Sadar P.S. Case No.721 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., 2023, with the following conditions:

(i) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to how he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) The bailor shall also state on affidavit that he will inform the Court concerned if the petitioners are 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 bonds of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of aforesaid amount in the Lawyer's Association Welfare Benevolent Fund, Patna.

(Anjani Kumar Sharan, J)

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