

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86750 of 2024

Arising Out of PS. Case No.-218 Year-2024 Thana- NAUTAN District- Siwan

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1. Surendra Prasad S/O Raja Ram Prasad Village- Sarsar PS- Siwan Muffasil Dist.- Siwan
 2. Prabhu Singh S/O Late Kashinath Singh Village- Barahni PS- Siwan Muffasil Dist.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Prasad Yadav
For the Opposite Party/s : Mr. Kumar Uday Pratap

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 08-01-2025 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 under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioners submits that petitioners are innocent and has been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 31.500 litres of foreign liquor is said to have recovered from two motorcycles. He submits that the petitioners are made accused in the present case only because the petitioners are owner of the seized motorcycles.



He further submits that petitioners have no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs.5,000.00 (Rupees Five Thousand) **each** in the account of Lawyer's Association Welfare Benevolent Fund, bearing Account No. 7801893276, IFSC Code: IDIB000L501, Indian Bank, LNMI Branch, Bailey Road, Patna.

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 eight 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 the learned Court below where the case is pending/successor Court in connection with Nautan P.S. Case No.218 of 2024, subject to the condition as laid down under Section 482 (2) of the B.N.S.S., subject to the further conditions that:

(1) 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.

(2) That 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 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.

6. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Lawyer's Association Welfare Benevolent Fund.

7. However, the learned Court below is directed to verify the criminal antecedent of the petitioners before accepting the bail bonds. If it is found that the petitioners are involved in any other case prior to the present case his bail bonds shall not be accepted.

(Anjani Kumar Sharan, J)

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