

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 384 of 2020

Arising Out of PS. Case No.-28 Year-2019 Thana- KUDHNI District- Kaimur (Bhabua)

1. SONU KUMAR Son of Manoj Chaudhari Resident of Village- Ram Nagar, P.S.- Muffasil (Buxar), District- Buxar.
2. Guddu Chaudhary Son of Ram Narayan Chaudhary Resident of Village- Ram Nagar, P.S.- Muffasil (Buxar), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Kumar Sunil, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 18-01-2020 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Kudhani Police Station (for brevity, *PS*) Case No 28 of 2019 instituted for the offence punishable under Section (s) 115, 400 of Indian Penal Code, Sections 25 (1-b)a, 26 of Arms Act and Section 30 (a) of Bihar Excise and Prohibition Act.

Six persons, including the petitioners, are alleged to have been apprehended while they were moving on motorcycles. As per allegation, one loaded country made pistol has been recovered from petitioner No 1. It is also alleged that 360 ml of Whisky has been recovered from the tool box of the motorcycle



in question. Petitioners' counsel submits that the prosecution case is belied by the seizure memo itself wherein the recovery has been shown from another place and not from the petitioners. Submission is that recovery is not in accordance with law and that petitioner No 1 has no criminal antecedent. Petitioner No 2 is on bail in Mufassil PS Case No 353 of 2018. Both the petitioners are in custody since 04.11.2019. Submission is of false implication.

Learned APP for the State opposed the prayer for bail.

Considering the aforesaid, let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III -cum- Special Judge (Excise), Kaimur at Bhabua in connection with Excise Case No 803 of 2019 arising out of Kudhani PS Case No 28 of 2019 subject to 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. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each



date and if they fail to do so on two consecutive dates, their bail
bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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