

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35158 of 2020

Arising Out of PS. Case No.-260 Year-2020 Thana- KHAJANCHI HAT District- Purnia

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1. Ajay Sharma, aged about 32 years, male, Son of Late Janardan Sharma
Resident of Mohallah- Girija Chowk, P.S.- K. Hat, District- Purnea.
 2. Dilkhush Yadav @ Dilkhush Kumar, aged about 28 years, male, Son of Sri
Shiv Shankar Yadav.
 3. Dimpal Singh, aged about 35 years, male, S/o Sri Pradip Singh.
Both are resident of Mohallah- Housing Board Colony, P.S.- K. Hat,
District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-03-2021 Mr. Amit Kumar Anand, learned Advocate for the

petitioners seeks permission to withdraw this application with

respect to petitioner No. 3, viz., Dimpal Singh, who has been

arrested.

Prayer is allowed.

The application with respect to petitioner No. 3



stands dismissed as withdrawn as having become infructuous.

Heard the counsel for the parties.

The petitioner Nos. 1 and 2 seek bail in anticipation of their arrest in connection with Special Excise Case No. 228 of 2020 arising out of K. Hat P.S. Case No. 260 of 2020, dated 03.06.2020, instituted for the offences under Section 402 of the Indian Penal Code, Sections 25(1-B)a and 26 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

It has been submitted on behalf of the petitioner Nos. 1 and 2 that from the F.I.R. itself, it would appear that one Md. Khurshid was arrested and from whose possession a country made pistol loaded with cartridges was recovered. 2.250 litres of liquor is also said to have been recovered from his possession. Aforesaid Md. Khurshid is said to have made a disclosure that the petitioner Nos. 1 and 2 had run away from the place of raid.

The learned counsel for the petitioner Nos. 1 and 2 has submitted that but for such statement of an arrested



accused person/Md. Khurshid, there is no other material to connect them with the offence.

The petitioner Nos. 1 and 2 do not have criminal antecedents.

Regard being had to the facts afore-stated, the petitioner Nos. 1 and 2, viz., Ajay Sharma and Dilkhush Yadav @ Dilkhush Kumar respectively, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Judge, Purnea in connection with Special Excise Case No. 228 of 2020 arising out of K. Hat P.S. Case No. 260 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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