

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41036 of 2020

Arising Out of PS. Case No.-34 Year-2020 Thana- JAMOBABAZAR District- Siwan

1. RAKESH SINGH @ RAKESH KUMAR SINGH S/O LATE BACHHA SINGH R/O VILLAGE MARACHHI PS JAMO BAZAR, DISTRICT-SIWAN.
2. SATISH KUMAR S/O NAGENDRA SINGH R/O VILLAGE MARACHHI PS JAMO BAZAR, DISTRICT-SIWAN.
3. MANISH KUMAR S/O SUDESH SINGH R/O VILLAGE MARACHHI PS JAMO BAZAR, DISTRICT-SIWAN.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Rajiv Kumar, Advocate.

For the State : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 30-07-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 30.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Jamo Bazar P.S. Case No.34 of 2020 registered under Sections 272, 273 and 308/34 of the Indian Penal Code besides Section 30(a) of the Bihar Prohibition and Excise Act, 2016.



The accusation is that in course of patrolling duty, the informant along with other police personnel received secret information to the effect that Manish Kumar (petitioner no.3), Satish Kumar (petitioner no.2) and Rakesh Singh (petitioner no.1) are indulged in doing the business of illicit liquor and have kept the liquor in the bamboo clumps, situated near the poultry farm in village-Marachhi. Thereafter, the informant along with other police personnel reached there. On seeing the light of the Police Jeep, three persons started to flee away. While they were chased but they succeeded to flee away, taking the advantage of the darkness. On search of the bamboo clumps, situated near the poultry farm, several bottles of liquor in the volume of 24.960 liters were recovered. The spy and the local people disclosed the name of the petitioners indulged in doing the business of illicit liquor.

Learned counsel for the petitioners submits that the petitioners were not apprehended on the spot nor the seized bottles of liquor were recovered from the house of the petitioner. Due to dirty village politics, the petitioners, who have no criminal antecedents, have falsely been implicated in this case.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their



arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge (Excise), Siwan, in connection with Jamo Bazar P.S. Case No.34 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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