

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19355 of 2022

Arising Out of PS. Case No.-1031 Year-2021 Thana- FATUA District- Patna

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1. SANTOSH KUMAR Son of Late Lala Singh Resident of Village - Balwa, P.S.- Fatuha, District - Patna.
 2. Kanchan Kumar Son of Bindi Singh Resident of Village - Balwa, P.S.- Fatuha, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad

For the Opposite Party/s : Ms. Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 05-08-2022 Heard learned counsel for the petitioners and learned
APP for the State through virtual court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a)/37(2)/56(c) of the Bihar Prohibition and Excise Act.

50 liters of country made Mahua wine has been recovered from the bank of *Mahatmain* river and two persons were apprehended at the spot who disclosed the name of the petitioners.

Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in the present case. It is further submitted that there is no recovery



from the conscious possession of the petitioners and they have got no criminal antecedent as stated in paragraph-3 of the bail application.

Petitioners are ready to deposit a sum of Rs.15,000/- (rupees fifteen thousand) **each** in Bihar Kishore Nyay Nidhi, Apna Ghar, Near Lalit Bhawan, Bailey Road, Patna bearing Saving Bank Account No.35094613009, State Bank of India, Branch Name Patna Secretariat Sinchai Bhawan, Branch Code-153, IFSC Code-SBIN0000153.

Taking into consideration the fact aforesaid and the fact that there is no recovery from the conscious possession of the petitioners, let petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds of Rs.25,000/- (rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Patna City in connection with Special Case No.8908/2021, arising out of Fatuha P.S. Case No.1031 of 2021, subject to the conditions laid down under Section 438 (2) of the Code of Criminal Procedure as well as subject to the further conditions that:

(i) One of the bailors will be own blood relative of the



petitioners, preferably, father, mother, brother, sister and/or their wife.

(ii) The petitioners shall not indulge themselves in any similar offence till conclusion of the trial.

(Anjani Kumar Sharan, J)

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