

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53459 of 2022

Arising Out of PS. Case No.-297 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Neeraj Kumar S/O Dakshraj Ram Resident of Village- Pipariya, P.S.-
Mohania, District- Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54852 of 2022

Arising Out of PS. Case No.-297 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Om Prakash Singh S/o Bhanu Singh R/o village- Mahro, P.S.- Mohania,
District- Kamur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53459 of 2022)

For the Petitioner/s : Mr. Rajesh Kumar Pathak, Adv.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

(In CRIMINAL MISCELLANEOUS No. 54852 of 2022)

For the Petitioner/s : Mr. Tribhuwan Narayan, Adv.

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 30-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Mohania P.S. Case No. 297 of 2022 lodged under Sections

30(A)/41(1) of Bihar Prohibition and Excise Amendment Act, 2018.

As per the prosecution case, total recovery of 202.5 litre beer has been the subject matter of the present case.

Learned counsel for the petitioners submit that petitioners were alleged to have arrested by the police upon chase. Counsel for petitioner of first case submits that petitioner is innocent and has committed no offence. He also submits that the antecedent of the petitioner is clean and he is in custody since 08.06.2022. Counsel submits that on the pitiful night, petitioner was returning from doing his work from the village and police has arrested him. Counsel for petitioner of second case submits that his antecedent is also clean and he was not apprehended from the place of occurrence. His name has figured in this case by virtue of the confessional statement of the arrested person but name has not been disclosed that which arrested person has disclosed his name. Counsel submits that petitioner is in custody since 04.09.2022 and his antecedent is also clean. Both counsels submit that there is a gross violation of Section 100 of Cr.P.C. in preparation of the seizure list.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge II-cum-Special Judge, Excise, Kaimur at Bhabua in connection with Mohania P.S. Case No. 297 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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