

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58767 of 2022

Arising Out of PS. Case No.-316 Year-2022 Thana- RAJAPAKAR District- Vaishali

1. Awadhesh Singh @ Mohabiya, S/O Late Hardeo Singh, R/v- Allipur Manjhipur, Police Station- Rajapakar, District- Vaishali
2. Yugeshwar Singh, S/o Deolal Singh R/v- Rampur Brahmdas, Police Station- Rajapakar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), if any, as pointed out by the
office, be removed within a period of four weeks.

In the present case, the petitioners seek bail in
connection with Rajapakar P.S. Case No. 316 of 2022
registered for the alleged offences under Section 30(a) of the
Bihar Prohibition and Excise Act.

As per prosecution case, police received information
about throwing of a number of cartons of foreign liquor in a
millet field. The police reached the spot and apprehended the
petitioners along with other co-accused persons and recovery of

1200.240 liters of India made foreign liquor was made from the spot.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners since it is the case of prosecution that the recovery was made from the field of one Viraj Singh and the petitioners have nothing to do with the allegedly recovered liquor or the land from where the recovery is stated to be made. The petitioners had been working in their field and they have been arrested by the police merely on suspicion. Charge sheet has been submitted in this case and the petitioners are in custody since 06.09.2022. The petitioners have got clean antecedent.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Having regard to the submission made on behalf of the parties and considering the fact that the petitioners were not apprehended from the spot and no recovery has been shown from the conscious possession of the petitioners and also considering the submission of charge sheet along with period of custody of the petitioners and their clean antecedent, the

petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand)each with two sureties of the like amount each to the satisfaction of learned Special Excise Court No. II-cum- learned-Additional District and Sessions Judge, Vaishali at Hajipur in connection with Rajapakar P.S. Case No. 316 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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