

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59214 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- NAVINAGAR District- Aurangabad

Lala Chaudhary @ Lala Kumar, Son of Lakhan Chaudhary Resident of
Village - Jankapur Pokhara, P.S. - Navinagar, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59745 of 2022

Arising Out of PS. Case No.-100 Year-2022 Thana- NAVINAGAR District- Aurangabad

Harendra Sharma @ Banra @ Banra Sharma Son Of Late Umesh Sharma
R/O Village- Jankapur Pokhara, P.S.- Navinagar, District- Aurangabad (bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 59214 of 2022)

For the Petitioner/s : Ms.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Kumar Ranjit Ranjan, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 59745 of 2022)

For the Petitioner/s : Ms.Leelawati Kumari, Advocate

For the Opposite Party/s : Mr.Braj Kishore Pd., A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Since both the applications arise out of Navinagar P.S.

Case No. 100 of 2022 as such, they have been heard together and are

being disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Let the defect (s), 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 Navinagar P.S. Case No. 100 of 2022 registered for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received information about petitioner and other co-accused persons concealing illicit liquor at the bank of a pond and selling the same. When the police reached the identified spot, the person standing there ran away on seeing the police party. On search of the place, 76.5 liters of country made liquor was recovered.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that the petitioners were not apprehended from the spot and nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no connection either with the seized liquor or with the place of seizure. There is no independent witnesses on the seizure list and there is non-compliance of Section 100 of the Cr.P.C. Charge sheet has been submitted in this case and the petitioners are in custody since 17.08.2022.

Learned A.P.P. for the State opposes the prayer for bail of the petitioners submitting that the petitioners are habitual offenders and are accused in a number of cases.

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 them and also considering the submission of charge sheet along with period of custody of the petitioners, 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 Judge, Excise-I, Aurangabad (Bihar) in connection with Navinagar P.S. Case No. 100 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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