

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58288 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

DIPAK KUMAR @ DEEPAK KUMAR CHAUDHARY Son of Kusheshwar
Chaudhary Resident of Village- Gopalpur, Gopal, P.S.- Bochahan, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60502 of 2022

Arising Out of PS. Case No.-321 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

UDAY DAS @ UDAY KUMAR DAS Son of Late Parichhan Das R/v-
Sharfuddinpur, Ward No. 8, P.S.- Bochahan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 58288 of 2022)

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Abhay Kumar

(In CRIMINAL MISCELLANEOUS No. 60502 of 2022)

For the Petitioner/s : Mr. Nitu Kumari

For the Opposite Party/s : Mr. Meena Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 01-12-2022 As both these bail applications have cropped up from

the same police station case number, hence, with consent of

parties, they are being heard together and disposed of by this

common order.

Heard learned counsel for the petitioners and learned

A.P.P. for the State through virtual Court proceedings.



The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2018.

It is submitted by learned counsel for the petitioners that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 87.165 liters of foreign liquor is said to have been recovered from a tempo. Petitioner-Dipak Kumar @ Deepak Kumar Chaudhary is the driver of the said tempo, whereas petitioner Uday Das @ Uday Kumar Das is neither driver nor owner of the said tempo. This petitioner is the owner of the closed poultry farm where the said tempo was parked. They have no concern with the seized liquor. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. They have been falsely implicated in this case at the instance of their enemy. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) **each** in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the



event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bochahan P.S. Case No.321 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., subject to the further conditions that

(1) One of the bailors will be their own blood relative, preferably, father, mother, brother, sister and/or his wife.

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

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

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