

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9740 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- TEGHRHA District- Begusarai

1. NIRAJ SINGH @ NIRAJ KUMAR SON OF YUGAL KISHORE SINGH
R/O VILLAGE- MADHURAPUR, DAKSHIN TOLA, P.S.- TEGHRA,
DISTRICT- BEGUSARAI
2. NIRANJAN SINGH SON OF YUGAL KISHORE SINGH R/O VILLAGE-
MADHURAPUR, DAKSHIN TOLA, P.S.- TEGHRA, DISTRICT-
BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered
for the offences punishable under Sections 30 (a), 41(i)(ii) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

Allegedly, 71.280 litres illegal English wine has been
recovered from the seized Tempo. Four persons were
apprehended who disclosed the name of the absconded persons
as Niraj Singh, Niranjan Singh and Ghantoli.

It is submitted by learned counsel for the petitioners that
petitioners are quite innocent and have committed no offence.
No incriminating article has been recovered from the conscious



physical possession of the petitioners rather the illicit liquor is said to have been recovered from a Tempo. Petitioners have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. Petitioners have been falsely implicated in this case at the instance of his enemy. Petitioners are neither the driver nor the owner of the alleged Tempo. They were not apprehended on the spot. They had not consumed liquor. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended persons which has no evidentiary value in the eye of law. Petitioner no.1 has one criminal antecedent of similar nature of offence under Excise Act whereas petitioner no.2 has two criminal antecedents as mentioned in para-3 of this application.

Petitioner no. 1 is agreed to deposit a sum of Rs.25,000.00 (Rupees Twenty Five Thousand) whereas petitioner no.2 is agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) in account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, 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 learned Court below where the case is pending/successor Court in connection with Teghra P.S. Case No. 387 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 his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself 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 Bihar State Bar Council Welfare Fund.

(Anjani Kumar Sharan, J)

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