

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10072 of 2023

Arising Out of PS. Case No.-304 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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1. GAUTAM KUMAR Son of Suresh Yadav Resident of Village- Rampatti Ward No.-6, P.S.- Singheshwar, District- Madhepura
 2. SINTU KUMAR @ CHHOTU Son of Vidyanand Yadav Resident of Village- Rampatti Ward No.-6, P.S.- Singheshwar, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjay Kumar Singh
For the Opposite Party/s : Mr. Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

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

The petitioners are apprehending their arrest in a case registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 20.5 liters of illegal codeine cough syrup & 1.62 liters of illegal foreign liquor is said to have recovered from the corner in the courtyard under pile of fire wood. He further submits that the apprehended person disclosed that the petitioners along with two other persons are also



involved in this case. He submits that there is no specific overt act against the petitioners. He further there is no recovery made from the conscious possession of the petitioners. He submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

Petitioners are agreed to deposit a sum of Rs. 20,000.00/- (Rupees Twenty Thousand) each in the account of Bihar State Bar Council Welfare Fund, bearing Account No. 31861041899, IFSC Code: SBIN0010340, State Bank of India, High Court Campus, Patna.

Considering the facts and circumstance of the case and the fact there is nothing recovered from the conscious possession of the petitioners, let the above named petitioners, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bonds 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 Excise Case No. 304/2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

(1) One of the bailors will be his own blood relative,



preferably, father, mother, brother, sister and/or his wife.

(2) The petitioners 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 the aforesaid amount in the account of Bihar State Bar Council Welfare Fund, Patna.

(Anjani Kumar Sharan, J)

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