

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43124 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- BIDUPUR District- Vaishali

PAWAN KUMAR DAS @ PAWAN KUMAR S/O LATE PASUPATI DAS
R/O VILLAGE- KESHAVPUR, PS. BIDUPUR, DIST. VAISHALI

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 43855 of 2023

Arising Out of PS. Case No.-311 Year-2023 Thana- BIDUPUR District- Vaishali

KUNDAN KUMAR Son of Ramanand Sah @ Ramani Sah Resident of
Keshavpur, P.S.- Bidupur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43124 of 2023)

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Surendra Kumar

(In CRIMINAL MISCELLANEOUS No. 43855 of 2023)

For the Petitioner/s : Mr. Shanti Bhushan Singh

For the Opposite Party/s : Mr. Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 As both these applications arises from the same P.S.

Case No., with consent of the parties, they have been heard
together and disposed of by this common order.

2. Heard learned counsel for the petitioners and
learned APP for the State.

3. The petitioners are apprehending their arrest in a
case registered for the offences punishable under Section
30(a)/32(ii)/(iii)36/41(i)(ii) of the Bihar Prohibition and Excise



Act.

4. 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 454.680 liters of foreign liquor is said to have recovered from the mango orchard of Kanhiya Singh. He submits that allegation against the petitioners is that they along with other co-accused managed to ran away from the place of occurrence. He further submits that on the secret information the petitioners have been made accused in the present case. He submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioner in Cr. Misc. No. 43124/2023 has got one criminal antecedent and petitioner in Cr. Misc. No. 43855/2023 has got no criminal antecedent as stated in para-3 of the bail application.

5. Petitioner in Cr. Misc. No.43124/2023 is agreed to deposit a sum of Rs. 30,000.00 (Rupees Thirty Thousand) and petitioner in Cr. Misc. No. 43855/2023 is agreed to deposit a sum of Rs. 20,000/- (Rupees Twenty Thousand) in the account of Patna High Court Legal Services Committee, Patna, bearing Account No. 1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. Considering the facts and circumstance of the



case and the fact that there is no recovery 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 Bidupur P.S. Case No. 311 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C., with further conditions:

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

(ii) The petitioners will not indulge himself in any similar offence till conclusion of the trial.

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

(Anjani Kumar Sharan, J)

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