

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43243 of 2023

Arising Out of PS. Case No.-355 Year-2023 Thana- MAHUA District- Vaishali

RAHUL KUMAR @ RAHUL RAJ Son of Sanjay Chaurasiya @ Sanjay
Bhagat Resident of Village - Harpur Belwa, P.S.- Mahua, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42992 of 2023

Arising Out of PS. Case No.-355 Year-2023 Thana- MAHUA District- Vaishali

SUDHIR KUMAR @ SUDHIR KUMAR YADAV SON OF JATA RAY
RESIDENT OF VILLAGE- MAHUA SINGH, PS- MAHUA, DISTRICT-
VAISHALI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 43243 of 2023)

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

(In CRIMINAL MISCELLANEOUS No. 42992 of 2023)

For the Petitioner/s : Mr. Bhola Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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)
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 30.875 liters of foreign liquor is said to have recovered from the house of the co-accused person. 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 submits that there is no recovery made from the conscious possession of the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each 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 Mahua P.S. Case No. 355 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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