

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43538 of 2023

Arising Out of PS. Case No.-350 Year-2023 Thana- FATUA District- Patna

1. ARVIND YADAV @ ARVIND SINGH SON OF LATE CHHATRA PATI YADAV RESIDENT OF VILLAGE- BALWA LACHHUTOLA, PS- FATUHA, DISTT- PATNA
2. KAMLESH YADAV @ KAMLESH SINGH SON OF LATE CHHATRA PATI YADAV RESIDENT OF VILLAGE- BALWA LACHHUTOLA, PS- FATUHA, DISTT- PATNA
3. KUNAL SINGH SON OF LATE SIDHESHWAR SINGH RESIDENT OF VILLAGE- BALWA LACHHUTOLA, PS- FATUHA, DISTT- PATNA
4. NIPPU KUMAR @ NIPPU SINGH SON OF LATE SIDHESHWAR SINGH RESIDENT OF VILLAGE- BALWA LACHHUTOLA, PS- FATUHA, DISTT- PATNA
5. LALIT KUMAR @ KARU SINGH SON OF HAJJAR SINGH RESIDENT OF VILLAGE- BALWA LACHHUTOLA, PS- FATUHA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Harish Kumar, Adv.
For the Opposite Party/s : Mr.Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-08-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30 (a), 45 of the Bihar Prohibition and Excise Act and 27 of Arms Act.

3. Altogether 100 litres country made liquor has been recovered near the house of petitioner no.1 which was kept for sale by the petitioners.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No incriminating article have been recovered from the conscious physical possession of the petitioners rather 100 liters of country made liquor is said to have been recovered near the house of the petitioner no.1 that is an open place. 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 their enemies. They were not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioners merely on suspicion they have been made accused in the present case. Petitioners have no criminal antecedent as mentioned in para-3 of this application.

5. Petitioners are agreed to deposit a sum of Rs.10,000.00 (Rupees Ten Thousand) each in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. 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 Fatuha P.S. Case No. 350 of 2023, 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.

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

(Anjani Kumar Sharan, J)

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