

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51976 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- BARHARIA District- Siwan

1. Sanjay Pasi @ Sanjay Chaudhary, Son of Late Ramashray Pasi, Resident of village - Koirigawan, P.S. - Badaharia, Distt. - Siwan
2. Shobha Devi, Wife of Late Ramashray Pasi, Resident of village - Koirigawan, P.S. - Badaharia, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Prakash Singh, Adv.

For the Opposite Party/s : Ms. Pushpa Sinha No. 1, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Barharia P.S. Case No. 230 of 2023 registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act.

3. Learned counsel for the petitioners submit 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 35 litres of country-made liquor (*Mahua*) is said to have been recovered from the bush of a field and the said place is an open area, being accessible to



everyone. He submits that the names of these petitioners have transpired in the present case due to dirty village politics. He submits that the allegation against the petitioners is that they along with other co-accused persons managed to run away from the place of occurrence. He submits that there is no independent witness of the seizure list which is complete violation of provisions of Section 100 of Cr.P.C. He further submits that petitioner no. 1 has got two criminal antecedents while petitioner no. 2 has got one criminal antecedent of similar nature of offence as stated in para-3 of the bail application.

4. Petitioner no. 1 has agreed to deposit a sum of Rs. 30,000/- (Rupees Thirty Thousand) while petitioner no. 2 has 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.

5. Considering the facts and circumstances of the case and the fact that nothing has been 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 Barharia P.S. Case No. 230 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 their own blood relative, preferably, father, mother, brother, sister and/or his/her wife/husband.

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

6. The bail bonds of the petitioners will 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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