

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57084 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- BHAGWAN BAZAR District- Saran

1. Pintu Kumar @ Pintu Kumar Yadav, Son Of Hajari Roy, Resident Of Village- Brahampur, P.S.- Bhagwan Bazar, Dist- Saran
2. Rakesh Kumar @ Rajesh Kumar, Son Of Radheyshyam Pandit @ Sohan Pandit, Resident Of Village- Ajayabganj, P.S.- Bhagwan Bazar, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Anjani Parashar, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagwan Bazar P.S. Case No. 177 of 2023, registered for the offences punishable under Sections 279, 337, 338 and 427 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Amendment Act, 2018.

3. Allegedly, in course of patrolling while the police personnel intercepted a Honda Amaze car for its checking, the accused persons, who were sitting in the car tried to flee away and in course of fleeing, they dashed a tempo due to which the



driver and the passenger of the tempo sustained grievous injury. It is further alleged that out of four persons, who were seated in the car tried to flee away, however, two of them have been apprehended by the police and two of the accused persons succeeded in fleeing away. The apprehended persons disclosed the name of the petitioners as their associates. In course of search, total 110 liters of bear and 55 liters of country made liquor was recovered.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners have neither any concern with the Honda Amaze car, which was seized by the police nor has any connection with the illicit wine. He next submits that save and except the disclosure made by the apprehended persons, there is no other material suggesting the complicity of the petitioners nor any incriminating material has been recovered from the whereabouts of the petitioners. He next submitted that there is complete defiance of Section 100 of the Cr.P.C., as all the witnesses are police personnel, apart from the fact that there are other infirmities in the seizure list.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the petitioner no. 2 has one criminal antecedent of identical nature.



6. Regard being had to the submissions made on behalf of the parties and considering the fact that the alleged recovery has been made from a Honda Amaze car, which does not belong to the petitioners and there is no other material barring the disclosure made by the apprehended persons, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge, 2nd – cum- 1st Exclusive Special Excise Court, Saran in connection with Bhagwan Bazar P.S. Case No. 177 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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