

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53853 of 2023

Arising Out of PS. Case No.-297 Year-2023 Thana- SAHPUR District- Bhojpur

1. WAKIL YADAV SON OF LATE RAGHUBIR YADAV RESIDENT OF VILLAGE GANGAPUR PS SAHPUR BAHORANPUR OP DIST BHOJPUR
2. VINOD PASWAN SON OF LATE PARMESHWAR PASWAN RESIDENT OF VILLAGE GANGAPUR PS SAHPUR BAHORANPUR OP DIST BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 19-08-2023 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 Section 30 (a) of the Bihar Excise Act.

3. Altogether 32.400 litres of foreign liquor has been recovered from the alleged bag. Seeing the police party, both the accused persons fled away from the spot leaving their motorcycle and the alleged bag from which illicit liquor has been recovered. Local *choukidar* disclosed the name of the petitioners as escaped persons.

3. It is submitted by learned counsel for the petitioners



that petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the conscious physical possession of the petitioners rather 32.400 liters of illicit liquor is said to have been recovered from the alleged bag which does not belong to the petitioners. 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 enemy. The seized motorcycle does not belong to them. They were not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioners barring the statement of the local *Choukidar*. Petitioner no.1 has one criminal antecedent, whereas petitioner no.2 has 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 Sahpur P.S. Case No. 297 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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