

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62817 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- PARAIYA District- Gaya

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1. SANJAY YADAV @ SANJAY SINGH S/O BALKESHWAR YADAV R/O VILLAGE- PUNAKALAN, NONHAR, PS. PARAIYA, DIST. GAYA
 2. AJAY YADAV S/O BALKESHWAR YADAV R/O VILLAGE- PUNAKALAN, NONHAR, PS. PARAIYA, DIST. GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-10-2023 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 Prohibition and Excise Amendment Act, 2018.

3. Altogether 100 litres country made Mahua liquor has been recovered from 20 plastic poly bags each containing 5 litres country made Mahua liquor. Two persons were managed to flee away from the spot after throwing the plastic sack. Local *Chowkidar* disclosed the name of the petitioners as evaded persons.

4. 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 100 litres country made liquor is said to have been recovered from plastic poly bags. 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. They were not apprehended on the spot. They had not consumed liquor. There is nothing on record to indicate the complicity of the petitioners barring the statement of the local *Chowkidar*. Petitioner no.1 has six criminal antecedents and petitioner no.2 has four criminal antecedents not of similar nature that of the present case.

5. Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five 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) 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 Paraiya P.S. Case No. 280 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 bonds 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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