

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65009 of 2023

Arising Out of PS. Case No.-277 Year-2023 Thana- KESARIA District- East Champaran

1. Chiranjeevi Singh @ Patarjeevi Singh Son Of Harendra Singh Resident Of Village - Kadan, P.S. - Kesariya, District - East Champaran
 2. Rupesh Yadav Son Of Punyadeo Rai Resident Of Village - Kadan, P.S. - Kesariya, District - East Champaran
 3. Manokamna Singh @ Monkamna Singh Son Of Ajay Singh Resident Of Village - Kadan, P.S. - Kesariya, District - East Champaran
- Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Kesariya P.S. Case No. 277 of 2023 dated 05.06.2023 instituted for the offence punishable under Sections 272, 273 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Allegation against the petitioners is that 760.320 litres foreign liquor has been recovered from the bush situated behind the house of petitioner Rupesh Yadav and further, 51.840 litres foreign liquor has been recovered from the bamboo orchard of petitioner Chiranjeevi Singh.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



this case. It is further submitted that petitioners have been made accused in this case only on the basis of disclosure made by *chaukidar*. Learned counsel for the petitioner submits that petitioners have not been arrested from the spot. Nothing incriminating article has been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners submits that petitioners have been implicated in this case on the basis of suspicion. Learned counsel for the petitioners submits that petitioners have no concern with the said place of recovery of liquor. Lastly, it has been submitted that petitioners have one criminal cases against them.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Kesariya P.S. Case No. 277 of 2023, they shall be released on anticipatory bail 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 Special Judge, Excise Court No.-2, Motihari, East Champaran subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-



I. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

II. One of the bailors will be their own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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