

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62078 of 2022

Arising Out of PS. Case No.-455 Year-2022 Thana- JAGDISHPUR District- Bhojpur

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1. GUDDU SHARMA Son of Raghunath Vishwakarma Resident of village - Garh Palace, Ward No.- 18, P.S.- Jagdishpur, District - Bhojpur
 2. Dharmendra Kumar Vishwakarma @ Dharmendra Kumar Son of Raghunath Vishwakarma Resident of village - Garh Palace, Ward No.- 18, P.S.- Jagdishpur, District - Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

For the Petitioner/s :	Mr Sanchay Srivastava, Advocate
For the Opposite Party/s :	Mr Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-01-2023

Heard learned counsel for the petitioners and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar through Virtual Mode.

The petitioners seek bail in Jagdishpur Police Station (for brevity, **PS**) Case No 455 of 2022 dated 12.09.2022, registered for the offence punishable under Section 30 (a) of Bihar Prohibition and Excise Act.

139.5 liters of illicit liquor has been recovered from the bath room of the house. It is alleged that the petitioners were fleeing away.

Learned counsel submits that even as per the prosecution case, petitioners were not arrested from within the house. The petitioners are suffering false implication. The alleged recovery is not in accordance with Section 100 of Criminal Procedure Code. Having no antecedents, petitioners



are in custody since 12.09.2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Court I, Bhojpur at Ara in Jagdishpur PS Case No 455 of 2022 dated 12.09.2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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