

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68052 of 2022

Arising Out of PS. Case No.-120 Year-2022 Thana- FATEHPUR District- Gaya

1. NITISH KUMAR S/O SHRI JANKI YADAV Resident of Village- Basua, P.S.- Fatehpur, and District- Gaya.
2. RAJESH KUMAR @ SUNIL KUMAR S/O LATE MUNNILAL YADAV @ MUNNILAL PRASAD Resident of Village- Basua, P.S.- Fatehpur, and District- Gaya.
3. PINTU KUMAR @ PINTU YADAV S/O LT. BIGAN YADAV Resident of Village- Basua, P.S.- Fatehpur, and District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-03-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The prosecution story, in brief, is that on 09.03.2022 informant along with other police personnel were on patrolling duty got secret information that illicit liquor was carried out from Jharkhand. The police party reached there and saw five motorcycles coming towards them. However after seeing the police party, five accused persons succeeded in fleeing away.



On search altogether 830 litres of Mahua liquor was recovered from the seized motorcycles and from the different sacks which were thrown on the ground.

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. 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. Petitioners have been made accused in this case merely on the statement of Chowkidar. Petitioner no.1 has two criminal antecedents whereas petitioner nos.1 & 3 have no criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten Thousand) each in the account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

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 Fatehpur P.S. Case No. 120 of 2022, 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.

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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