

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70418 of 2023

Arising Out of PS. Case No.-299 Year-2023 Thana- SIMRI District- Buxar

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1. Jairam Bind @ Jai Ram Bin @ Babali Choudhary @ Babal Choudhary Son Of Kashinath Bin @ Kashinath Choudhary Resident Of Village- Kazipur, P.S. Simari, District- Buxar
 2. Shriram Bin @ Shri Ram Bind Son Of Kashinath Bin @ Kashinath Choudhary Resident Of Village- Kazipur, P.S. Simari, District- Buxar
- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Simri P.S. Case No. 299 of 2023 dated 01.09.2023 instituted for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegation is of recovery of 10 litres country made *chulai* liquor from the apprehended persons, who disclosed the name of the petitioners from whom they purchased the said liquor for selling the same on higher price.

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 the said liquor has not been



recovered from the possession of the petitioners. Petitioners have been made accused in this case only on the basis of confessional statement of apprehended persons. Learned counsel for the petitioners submits that in the alleged occurrence, two persons were apprehended from the place of occurrence, and five litres *chulai* country made liquor from each person was recovered which was total in 10 litres. Learned counsel for the petitioners submits that petitioners have no concern with the seized liquor. Lastly, it has been submitted that petitioner no. 1 has two criminal cases against him and petitioner no. 2 has one criminal case against him.

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 Simri P.S. Case No. 299 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 Excise Court No. 2, Buxar 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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