

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70946 of 2022

Arising Out of PS. Case No.-310 Year-2022 Thana- MOUZAHDIPUR District- Bhagalpur

1. SAURABH KUMAR @ SAURABH KUMAR CHOUDHARY Son of Bhotu Choudhary @ Sahdev Choudhary R/V- Sakrullah Chak, P.S- Babarganj, Dist- Bhagalpur
2. Chandan Kumar @ Goldi @ Goldo Son of Chhotan Das R/V- Kagazitola, Mohidinagar, P.S- Babarganj, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Opposite Party/s : Mr.Akbar Ali

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-03-2023 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.

Learned counsel for the petitioners submits that no incriminating article has been recovered from the conscious physical possession of the petitioners rather 76 liter 125 ml of foreign liquor is said to have been recovered from a vehicle (Scorpio). He submits that the petitioners have no concern either with the seized liquor or any trade of liquor. He submits that the petitioners have no concern with the seized vehicle. He submits



that the petitioners are not the owner of the alleged Scorpio and have no any concern with the alleged occurrence. He submits that nothing has been recovered from the conscious possession of the petitioners. He submits that the petitioners have got no criminal antecedent as stated in para 3 of the bail application.

Petitioners are agreed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand) each in Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB141320, Punjab National Bank, Bar Council Branch, Patna.

Considering the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 the learned Court below where the case is pending/successor Court in connection with Mojahidpur (Babarganj) P.S. Case No. 310 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) That one of the bailors will be a close relative of the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after her release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Patna High Court Legal Services Committee, Patna.

(Anjani Kumar Sharan, J)

anand/-

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