

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74829 of 2022

Arising Out of PS. Case No.-269 Year-2022 Thana- NOKHA District- Rohtas

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1. KAMLESH CHOUDHARY SON OF CHHOTELAL CHOUDHARY R/O VILLAGE- SARIYAION, P.S.- NOKHA, DISTRICT- ROHTAS
 2. HARENDRA CHOUDHARY SON OF CHHOTELAL CHOUDHARY R/O VILLAGE- SARIYAION, P.S.- NOKHA, DISTRICT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 30 (a), 37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

Allegedly, 63 litres country made liquor was recovered from the bank of canal (Nahar). One person was apprehended and others were managed to flee away taking advantage of canal and water.

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. They 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 enemies. There is violation of Section 100 Cr.P.C. They were not apprehended on the spot. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Petitioners have one criminal antecedent as mentioned in para-3 of this application.

Petitioners are agreed to deposit a sum of Rs.20,000.00 (Rupees Twenty Thousand) each in the PM Cares fund, bearing Account No.2121PM20202, IFSC Code: SBIN 0000691, SWIFT Code: SBININBB104, State Bank of India, New Delhi Main Branch, UPI ID : pmcares@sbi.

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 Nokha P.S. Case No. 269 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 petitioners shall not indulge themselves 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 PM Cares fund.

(Anjani Kumar Sharan, J)

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