

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77322 of 2023

Arising Out of PS. Case No.-309 Year-2023 Thana- PARAIYA District- Gaya

-
1. YOGENDRA CHAUDHARY SON OF RAMCHANDRA CHAUDHARY
RESIDENT OF VILLAGE- BAGAHI, P.S- PARAIYA, DISTRICT- GAYA.
 2. LAKHAN SAO SON OF LATE LAXMAN @ LAXMI SAO RESIDENT
OF VILLAGE- CHERKI DIH, P.S.- CHERKI, DISTRICT- GAYA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Chandra Bhaskar, Adv.
For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

3. Allegedly, 40 litres country Mahua liquor has been recovered from two motorcycles. Both the petitioners succeeded in fleeing away. Local *Choukidar* disclosed the name of the petitioners as escaped persons.

4. 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. They had not consumed liquor. They have been falsely implicated in the present case on the basis of the statement of local *choukidar*. Petitioner no.1 has no criminal antecedent, whereas petitioner no.2 has one criminal antecedent of similar nature that of the present case, as mentioned in para-3 of this application.

5. Petitioners are agreed to deposit a sum of Rs. 10,000/- (Rupees Ten Thousand) and Rs. 20,000/- (Rupees Twenty Thousand), respectively in account of Patna High Court Legal Services Committee, Patna, bearing Account No.1413010060836, IFSC Code: PUNB0141320, Punjab National Bank, Bar Council Branch, Patna.

6. 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 Paraiya P.S. Case No. 309 of 2023, 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.

7. 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)

divyanshi/-

U		T	
---	--	---	--

