

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74721 of 2022

Arising Out of PS. Case No.-383 Year-2022 Thana- BARHARIA District- Siwan

1. SUNNY SAH Son of Manoj Sah Resident of Village - Balapur, Police Station - Barharia, District - Siwan.
2. Rajesh Sah Son of Dhurendra Sah Resident of Village - Balapur, Police Station - Barharia, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Rana Randhir 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 Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

Allegedly, 4 litres of country made liquor has been recovered behind the house of petitioner no.2. After seeing the police, petitioners fled away from the spot.

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 rather illicit liquor is said



to have been recovered from behind the house of petitioner no.2. Petitioners have no concern either with the seized liquor or any trade of liquor. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. They have been falsely implicated in this case at the instance of their enemies. It is further submitted that the recovery of the alleged liquor has been made from outside the house i.e. behind the house which is an open place and it is easily accessible to anyone and in this case the same was planted by the enemies of the petitioners in order to drag them in the instant case. There is violation of Section 100 Cr.P.C. They were not apprehended on the spot. They have been transpired in this case on the basis of the statement of local Chowkidar. Petitioners 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 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 Barharia P.S. Case No. 383 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)

divyanshi/-

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

