

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81128 of 2023

Arising Out of PS. Case No.-239 Year-2022 Thana- BAHADURPUR District- Patna

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1. GAURAV KUMAR SON OF ASHOK SHARMA RESIDENT OF VILLAGE- USARI, P.S.D.- GHOSI, DISTRICT- JEHANABAD
 2. PRABHAT KUMAR SON OF ASHOK SHARMA RESIDENT OF VILLAGE- HARDASPUR, P.S.- GHOSI, DISTRICT- JEHANABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad, Adv.

For the Opposite Party/s : Ms.Sangeeta Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-12-2023 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 Sections 30(a), 32(2), (3), 36 and 41(i)(2) of the Bihar Prohibition & Excise Amendment Act.

3. Allegedly, 36 litres of country made liquor and 750 ml of foreign liquor have been recovered from the place of occurrence. Five persons were apprehended on the spot.

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. They have no concern either with the seized liquor or place of recovery or any trade of liquor. The allegation levelled against the petitioners is general and omnibus in nature. They were not apprehended on the spot. They had not consumed liquor. Their name has been transpired in the present case merely on the basis of the confessional statements of the apprehended co-accused. Petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs. 5,000.00 (Rupees Five Thousand) each in account of Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, MICR Code: 800016018, Central Bank of India, Chitkohra 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 Bahadurpur P.S. Case No. 239 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 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 Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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