

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79825 of 2023

Arising Out of PS. Case No.-507 Year-2023 Thana- BARUN District- Aurangabad

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1. SURENDRA SINGH @ SURENDRA KUMAR SINGH SON OF RAJENDRA SINGH R/O VILLAGE- CHIRAILA, JAGDISHPUR, P.S.- BARUN, DIST.- AURANGABAD
 2. LALAN SINGH @ RAJENDRA SINGH SON OF LATE MUNSHI SINGH R/O VILLAGE- CHIRAILA, JAGDISHPUR, P.S.- BARUN, DIST.- AURANGABAD

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Adv.
For the Opposite Party/s : Mr.Rajesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 15-12-2023 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 the Bihar Excise & Prohibition (Amendment) Act, 2018.

3. Altogether 9 litres country made liquor has been recovered from the under constructed house of petitioner no.2. Co-accused Guddu Singh and petitioner no.1 are said to have fled away from 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 been falsely implicated in the present case on suspicion. They have no concern either with the seized liquor or place of recovery or any trade of liquor rather the illicit liquor is said to have recovered from an under constructed house of petitioner no.2 which is easily accessible to everyone. The allegation levelled against the petitioners is general and omnibus in nature. They were not apprehended on the spot. They had not consumed liquor. There is no compliance of Section 100 of the Cr.P.C. 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 Barun P.S. Case No. 507 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 Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

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