

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82126 of 2023

Arising Out of PS. Case No.-798 Year-2023 Thana- Excise P.S. District- Aurangabad

1. Sahendra Kumar Son Of Hari Narayan Yadav Resident Of Village - Gajadhar Bigha, P.S. - Muffasil, District - Aurangabad
2. Ajay Kumar Son Of Ramswarup Yadav Resident Of Village - Gajadhar Bigha, P.S. - Muffasil, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari

For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2023 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(1), 32(3), 41(1) & 41(2) of the Bihar Prohibition and Excise Act, (Amended) 2018 & 2016.

3. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He submits that there is no recovery from the conscious possession of the petitioners rather 138.240 liters of country made liquor is said to have recovered from the vehicle. He submits that the petitioners are neither the owner of the vehicle



in question nor the driver of the said vehicle. He further submits that the name of the petitioners have taken by the apprehended person, due to local village politics. The petitioner has no criminal antecedent as stated in para-3 of the bail application.

4. Petitioners are agreed to deposit a sum of Rs.5,000/- (Rupees Five Thousand) **each** in Mahavir Cancer Sansthan, Patna, bearing Account No.3332964762, IFSC Code: CBIN0282779, Central Bank of India, Chitkohra Branch, Patna..

5. Having regard to the facts and circumstances of the case and the fact that there is nothing recovered from the conscious possession of the petitioners, 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 the learned Court below where the case is pending/successor Court in connection with Excise P.S. Case No.798 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) That one of the bailors will be a close relative of



the petitioners, who will give an affidavit giving genealogy as to who he is related with the petitioners. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the bailor shall also stated on affidavit that he will inform the Court concerned if the petitioners are implicated in any other case of similar nature after their release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

6. The bail bond of the petitioners shall be accepted by the learned Court below on showing receipt of deposit of the aforesaid amount in the account of Mahavir Cancer Sansthan, Patna.

(Anjani Kumar Sharan, J)

anand/-

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

