

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36684 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- Badem P.S. District- Aurangabad

1. Sujeet Kumar S/O Mahendra Yadav R/O Village- Sasna, P.S.- Badem, Dist- Aurangabad.
2. Ranjeet Kumar S/O Mahendra Yadav R/O Village- Sasna, P.S.- Badem, Dist- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Adarsh Singh, Advocate

For the Opposite Party/s : Mr. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 13-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Badem P.S. Case No. 02 of 2024 registered for the alleged offences under Section 30(a) of Bihar Prohibition & Excise (Amendment) Act, 2018.

03. As per prosecution case, police received secret information about petitioner and other co-accused persons selling liquor near the bank of Sone river. A raid was conducted and three persons fled away on seeing the police party who made good their escape, leaving behind two plastic sacks and recovery of 75 liters of *Mahua Chulai* liquor was made from



these two sacks. The petitioners are stated to be the persons who fled away from the spot.

04. Learned counsel appearing on behalf of the petitioners submits that the petitioners are innocent have been falsely implicated in this case. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have been made accused in this case merely on suspicion and police has mentioned the name of petitioners and co-accused on saying of crowd. There is no compliance of Section 100(4) of Cr.P.C. In the aforesaid circumstances, no offence under the alleged section of Bihar Prohibition and Excise Act is made out against the petitioners, who have got clean antecedent.

05. Learned APP for the State opposes the submission made on behalf of the petitioners.

06. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners and further considering the clean antecedent of the petitioners coupled with possibility of false implication, let the petitioners named above, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be



released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, Aurangabad, Bihar, in connection with Badem P.S. Case No. 02 of 2024, subject to the condition laid down under section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

Ashish/-

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

