

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76234 of 2024

Arising Out of PS. Case No.-178 Year-2024 Thana- BARHARA KOTHI District- Purnia

1. Sudhir Singh @ Sudhir Kumar Singh S/O Lal Bahadur Singh Resident of Maldiha, P.S- Barhara, District- Purnea.
2. Bishan Rishidev @ Atbuli Reshi S/O Mistri Rishideo @ Mishar Rishi Resident of Maldiha, P.S- Barhara, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-11-2024 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 Prohibition and Excise Act, 2022.

3. Altogether 378.42 litres of foreign liquor has been recovered from the said Kamat. One co-accused was apprehended on the spot and disclosed the names of the petitioners, who got succeeded in fleeing away.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No incriminating article has been recovered from the



physical possession of the petitioners or from their house. They have no concern either with the seized liquor or the place of recovery or any trade of liquor. The allegation levelled against the petitioners are totally false and based on concocted facts. They were not apprehended on the spot. The alleged Kamat does not belong to the petitioners as the same is situated 3 KM away from their residence and it is quite unknown to them. They had no knowledge of keeping of illicit liquor in the said Kamat. There is nothing on record to indicate the complicity of the petitioners barring the confessional statement of the apprehended person which has no evidentiary value in the eye of law. Learned counsel further submits that the petitioners have no criminal antecedent as mentioned in para 3 of the bail application.

5. Petitioners are agreed to deposit a sum of Rs. 10,000.00 (Rupees Ten 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 eight 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 Barhara P.S. Case No.178 of 2024, 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 petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. 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 state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his 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.

7. The bail bonds 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.

8. The learned Court below is directed to verify the criminal antecedent of the petitioners. If it is found that the petitioners have criminal antecedent in similar nature of offence,



then the bail bonds of the petitioners shall not be accepted by
the learned Court below.

(Anjani Kumar Sharan, J)

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