

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65527 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- JAYNAGAR District- Madhubani

1. Dinesh Singh @ Dinesh Kumar Singh Son of Basudev Singh Resident of Village- Laskariya Khoir, P.S.- Jaynagar, Distt.- Madhubani
2. Naresh Singh @ Naresh Kumar Singh Son of Basudev Singh Resident of Village- Laskariya Khoir, P.S.- Jaynagar, Distt.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 01-10-2024 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Jaynagar P.S. Case No. 193 of 2024 dated 28.06.2024, instituted for the offence punishable under Sections 272, 273, 414/34 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act.

3. The allegation is of recovery of 135 litres of Nepali Sofi wine from the motorcycle standing in the orchard.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioners have



been made accused only on the disclosure made by the local *Chowkidar*. Nothing has been recovered either from conscious possession of the petitioners or from their house. It is submitted that petitioners have no concern either with the seized motorcycle or with the orchard. The said orchard and motorcycle does not belong to the said petitioners. It is submitted that except disclosure of the local *Chowkidar* no material has come against the petitioners to connect them with the said crime. Lastly, it has been submitted that petitioner no. 1 has no criminal antecedent. So far petitioner no. 2 is concerned, he has one criminal case against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Jaynagar P.S. Case No. 193 of 2024, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Addl.



Sessions Judge-II-cum-Special Judge, Excise, Madhubani,
subject to condition as laid down under Section 438(2) of
the Cr.P.C. as also to the following conditions:-

- 1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.
- 2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or their wife.
- 3. The bailor shall also state on affidavit that he/she will inform the court concerned if the petitioners are made accused 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 the proceeding for cancellation of bail on ground of misuse.
- 4. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

prabhat/-

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

