

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69936 of 2024

Arising Out of PS. Case No.-303 Year-2021 Thana- NAVINAGAR District- Aurangabad

1. Surajmal Prajapati S/o Kuldeep Prajapati R/o Village- Duari, P.S.- Tandwa, District- Aurangabad
2. Pradeep Yadav S/o Bholi Yadav R/o Village- Shikarpur, P.S.- Hariharganj, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 21-09-2024 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 Nabinagar P.S. Case No. 303 of 2021 registered on 26.11.2021 for the alleged offences under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

03. As per prosecution case, acting upon a secret information about three persons riding a motorcycle carrying liquor, police intercepted the motorcycle and one of the miscreants was apprehended and two other persons fled away from the spot leaving behind their motorcycle and a bag. The apprehended co-accused person named the petitioners who fled away from the



spot. From the bag left behind by the miscreants, recovery of 100 litres of country made Mahua liquor was made.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case merely on suspicion. The name of the petitioners came up in the confessional statement of the co-accused which is having no legal sanctity. Nothing incriminating has been recovered from the conscious possession of the petitioners. There is no material to connect the petitioners with the offences as alleged. In fact no offence under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act is made out against the petitioners, who are having clean antecedent.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the clean antecedent of the petitioner and further considering no recovery being shown from the petitioners and further considering the possibility of false accusation, let the petitioners above named, 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 Court of Special Judge, Excise Court No. 1, Aurangabad in connection with Nabinagar P.S. Case No. 303 of 2021, 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 petitioners.
- (ii) The petitioners 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)

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