

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80909 of 2024

Arising Out of PS. Case No.-331 Year-2024 Thana- LAURIA District- West Champaran

1. Upendra Kumar, aged about 24 years (M), S/O Birbashini Chaudhary,
2. Shailesh Kumar, aged about 25 years (M), S/o Ashok Chaudhary,
Both R/O Village- Pakadi Nuniya Tola, Police Station- Lauriya, District-
West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with
Lauriya PS Case No.331 of 2024 dated 04.10.2024, instituted
under Sections 274, 275 of the Bhartiya Nyaya Sanhita, 2023,
and 30(a) of the Bihar Prohibition and Excise (Amendment)
Act, 2022.

3. Allegation is of recovery of total 30 litres country
made wine thrown away near the Pakri Nuniya Tola bridge.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in
this case. It is further submitted that the petitioners have not



been arrested at the spot, rather, the name of the petitioners have been disclosed by the local *chaukidar*. It is further submitted that no independent witness has signed the seizure list. There is no recovery either from the conscious possession of the petitioners or from their houses. Lastly, it is submitted that the petitioner no. 1 has no criminal antecedents while petitioner no. 2 has one criminal case against him.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on 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 Special Judge, Excise, Bettiah, West Champaran, in Lauriya PS Case No.331 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, and further (i) that the 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 bonds shall be cancelled by the Court below, (ii) that one of the bailors will be



their own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailors shall also state on affidavit that they 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, and (iv) that 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.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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