

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74143 of 2024

Arising Out of PS. Case No.-515 Year-2024 Thana- MASHRAK District- Saran

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1. Suraj Kumar Chaudhary @ Suraj Chaudhary S/o Prabhu Choudhary R/o Village- Shobhipur, Police Station- Janta Bazar, District- Saran at Chapra
 2. Manish Pandey S/o Dhaneshwar Pandey R/o Village- Purshotipur, Police Station- Janta Bazar, District- Saran at Chapra
 3. Mukesh Kumar Singh @ Mukesh Singh S/o Late Harendra Singh R/o vill - Sarangia Tola, P.S. - Sarangia Tola, Distt. - saran at Chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Avinash Kumar Pandey, Advocate
For the State	:	Mr. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. At the outset, learned counsel for the petitioner submits that inadvertently, the address of Petitioner No.3, Mukesh Kumar Singh @ Mukesh Singh has been wrongly mentioned in the cause title as “Mukesh Kumar Singh @ Mukesh Singh S/o Late Harendra Singh R/o vill - Sarangia Tola, P.S. - Sarangia Tola, Distt. - saran at Chapra” whereas the correct address of the petitioner no.3 is as follows:

**“Mukesh Kumar Singh @ Mukesh Singh S/o Late
Harendra Singh R/o vill - Sarangia Tola (Malmalia), P.S. -
Bhagwanpur Hat, Distt. - Siwan.**

3. The present petition has been filed on behalf of the



petitioners, apprehending their arrest, in connection with Mashrakh PS. Case No.-515 of 2024 dated 30.08.2024, registered for the offences punishable under Sections 30(a) of the Bihar Probation and Excise Act, 2016.

4. As per allegation, there is recovery of 64.8 liters of foreign liquor lying beside the *nahar-bandh* road.

5. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that the recovery has been made not from the possession of the petitioner but from an open space, where general public has access to.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

7. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

8. learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the



date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge-cum 2nd Exclusive Special Excise Judge, Saran at Chapra, in connection with Mashraikh PS. Case No.-515 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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