

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9825 of 2022

Arising Out of PS. Case No.-1055 Year-2021 Thana- HAJIPUR SADAR District- Vaishali

1. AMAN KUMAR S/o Manoj Singh R/o Village - Bajitpur Meyari, P.S. - Sarairanjan, Dist. - Samastipur.
2. SUBHASH KUMAR RAI S/o Maksudan Ray R/o Village - chand Chaur Kalyan Tole, P.S. - Ujiarpur, Dist. - Samastipur.
3. GANESH KUMAR JHA S/o Late Ranjit Kumar Jha R/o Village - Jhakra Baba Tola, P.S. - Sarairanjan, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 13-04-2022 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under sections 420, 272 and 273 of the Indian Penal Code and sections 30(a), 32(2) & (3), 33, 41 and 47 of the Bihar Prohibition and Excise Act, 2016.

As per the prosecution case, on the truck being searched it is stated that 2664 litres of liquor was recovered. Further on the car which was standing besides the truck being searched 60.48 litres of IMFL was recovered and the three petitioners herein who were in the car were taken into custody.

It is submitted by learned counsel for the petitioners



that the petitioners have been falsely implicated in the case. No incriminating article has been recovered from their possession or their vehicle. They were falsely implicated in the case only for the reason that they refused to become seizure list witnesses to the alleged seizure from the truck. They are in custody since 2.12.2021 and have no criminal antecedent under the Bihar Prohibition and Excise Act, 2016.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioners not having any criminal antecedent under the Bihar Prohibition and Excise Act, 2016, the Court directs the above three petitioners to be enlarged on bail in connection with Hajipur Sadar P.S. Case no. 1055 of 2021 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court no. 1-cum-Additional District and Sessions Judge, Vaishali at Hajipur.

It is further directed that the learned trial Court will obtain a report from the Superintendent of Police, Vaishali at Hajipur with respect to the criminal antecedent of the three petitioners and in case the petitioners have any criminal



antecedent, the learned trial Court will proceed to cancel the bail bond of the petitioner(s).

It is made clear that for obtaining the report with respect to antecedent of the petitioners, the release of the petitioners from custody pursuant to grant of bail by the instant order shall not be delayed.

(Partha Sarthy, J)

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