

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22083 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Ujjawal Kumar, Son Of Sanjay Kumar Chaudhary @ Sanjay Chaudhary, R/O Village- Kharaunadih, P.S.- Kudhni, District- Muzaffarpur At Present R/O Mohalla- Yadavnagar Bhawaninagar Behind Mandir Of Pramod Thakur, P.S.- Sadar, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22688 of 2022

Arising Out of PS. Case No.-11 Year-2022 Thana- MITHANPURA District- Muzaffarpur

Deepak Kumar, Son Of Sanjay Shahi, R/O Village- Chadhua, P.S.- Kurhni, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22083 of 2022)

For the Petitioner/s : Mr.Bhavesh Kumar, Advocate

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 22688 of 2022)

For the Petitioner/s : Mr.Udbhav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 05-08-2022 Since both the applications arise out of Mithanpura P.S. Case No. 11 of 2022, as such, they have been heard together and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned APP for the State through video conferencing.



Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Mithanpura P.S. Case No. 11 of 2022 registered for the alleged offences under Sections 414 and 34 of the Indian Penal Code and Sections 30(a), 32(ii) and 41(i) of the Bihar Prohibition and Excise (Amendment) Act and Sections 25(1-b) a/26/35 of the Arms Act.

As per prosecution case, police received information about co-accused persons having a meeting regarding their business of illicit liquor and a raid was conducted on that place which was a flat in an apartment. From the said flat, the petitioners were apprehended along with co-accused Amit Kumar. From the petitioner Ujjawal Kumar, a loaded country made pistol with a live cartridge was recovered. From the petitioner Deepak Kumar, one live cartridge was recovered. Apart from recovery of firearms, some cash and about 100 ml of illicit liquor were also recovered.

It has been submitted on behalf of the petitioners that they are innocent and they have been falsely implicated in this case. Nothing incriminating has been recovered from their



conscious possession. The flat in question does not belong to the petitioners. Moreover, seizure list has been prepared in contravention to the provisions of Section 100 of Cr.P.C. It is a forged and fabricated document and it has been ante-dated.

Learned counsel for the petitioner Ujjawal Kumar submits that during entire investigation nothing of substance came up against the petitioner and the petitioner is not connected with any of the co-accused person who are stated to be engaged in the business of liquor trade.

Learned counsel for the petitioner, Deepak Kumar submits that from this petitioner recovery is merely of only one cartridge which in the absence of firearm would serve no useful purpose. Charge-sheet has been submitted in this case and the petitioners are in custody since 14.01.2022.

Learned APP opposes the prayer for bail.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet in this case and the period of the custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise, Court No.1, Muzaffarpur, in connection with



Mithanpura P.S. Case No. 11 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioners will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the person, who has sworn the affidavit in this case.
- (iii) The petitioners will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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