

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44447 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- HASANPUR District- Samastipur

1. CHANDAN KUMAR JHA Son of Ram Kumar Jha Resident of village- Deodha, P.S- Hasanpur, Dist- Samastipur
2. Rajeev Kumar S/o sudhir Kumar Jha Resident of village- Deodha, P.S- Hasanpur, Dist- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 46711 of 2022

Arising Out of PS. Case No.-105 Year-2022 Thana- HASANPUR District- Samastipur

RAJA VIKASH PRASAD SINGH @ VIKASH KUMAR SINGH Son of Prabhat Prasad Singh Resident of Village- Deodha, Police Station- Hasanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 44447 of 2022)

For the Petitioner/s : Mr.Gopal Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

(In CRIMINAL MISCELLANEOUS No. 46711 of 2022)

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-10-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Hasanpur



P.S. Case No. 105/2022 registered for the offences punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 25(1-B)a, 26, 35 of the Arms Act but Charge sheet has been filed under Sections 30(a)/36 of the Bihar Prohibition and Excise (Amendment) Act, 2018 and Sections 25(1-B)a, 26, 35 of the Arms Act and 25(1-A) of the Arms Act.

As per prosecution case, there is alleged recovery of total 190.080 liters foreign liquor from a room of Veterinary Hospital. It is alleged that one loaded country made pistol alongwith one live cartridge and one mobile phone were recovered from the possession of petitioner (Raja Vikash Prasad Singh). It is further alleged that one mobile phone was recovered from the possession of each petitioners namely, Chandan Kumar Jha and Rajeev Kumar. The petitioners apprehended on spot.

Learned counsel for the petitioners submits that petitioner are innocent and have falsely been implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners are languishing in custody since 17.04.2022 and bear no criminal antecedent.

Learned counsel for the petitioners submits that petitioner, namely, Raja Vikash Prasad Singh is also languishing



in custody since 17.04.2022 and bears one criminal antecedent which is not similar to the present case. Nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and keeping in view clean antecedent of petitioners except petitioner, namely, Raja Vikash Prasad Singh and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Excise Court-I, Samastipur in connection with Hasanpur P.S. Case No. 105/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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