

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47194 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- BACHHWARA District- Begusarai

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Mukesh Rai Son Of Shri Kishun Rai @ Bagho R/O Village- Gopalpur, P.S.-
Bachhwara, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 54729 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- BACHHWARA District- Begusarai

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Vimal Rai @ Vimal Kumar Son Of Late Muni Lal Rai @ Muni Lal Rai R/O
Village- Chamtha Number Ward No. 05, P.S.- Bachhwara, Distt.- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 47194 of 2022)

For the Petitioner/s : Mr. Vinod Gautam

For the Opposite Party/s : Mr. Gauri Shankar Gupta

(In CRIMINAL MISCELLANEOUS No. 54729 of 2022)

For the Petitioner/s : Mr. Sandip Kumar Gautam

For the Opposite Party/s : Mr. Sanjay Kumar Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR



ORAL ORDER

3 11-11-2022 Heard learned counsel for the petitioner and learned APP for the State.

The petitioners seek bail in connection with Bachhwara P.S. Case No. 147 of 2021, registered for the offences punishable under Section 188/120 (B) of the Indian Penal Code and Section 30(a)(d)/36 of the Bihar Prohibition and Excise Act, 2018.

As per allegation, 260 liters of country made liquor in 26 pouches, each containing 10 liters from Hero Passion Motorcycle bearing Registration No. BR33L – 6305 and Glamour motorcycle bearing Registration No. BR33AL 6799, has been recovered.

The Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged vehicles do not belong to the petitioners. He also submits that nothing has been recovered from the conscious possession of the petitioners.

The petitioner, namely, Mukesh Rai and Vimal Rai



have been languishing in jail since 25.04.2022 and 25.06.2022 respectively.

It is also stated in paragraph No. 2 of the petition that the petitioners, namely, Mukesh Rai and Vimal Rai have earlier moved once before this Court for anticipatory bail.

It has further been stated at paragraph No. 3 that the petitioner, namely, Vimal Rai has been made accused in one more case.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail. He further submits that the petitioners are neither the owner nor the driver of the vehicles.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail 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 the concerned Learned Court in connection with Bachhwara P.S. Case No. 147 of 2021 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedent despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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