

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46983 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- KINJAR District- Jehanabad

Devkumar, Son of Ram Chandra Prasad, Resident of Village - Injora Bigha,
P.S.- Ekangarsarai, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47358 of 2022

Arising Out of PS. Case No.-78 Year-2022 Thana- KINJAR District- Jehanabad

Mithilesh Kumar, S/O Munsu Prasad, Resident of Village- Dayalpur, P.S.-
Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46983 of 2022)

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 47358 of 2022)

For the Petitioner/s : Mr.Ranjay Kumar Singh, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Since both the applications arise out of Kinjar P.S.

Case No. 78 of 2022, as such, they have been taken up together

and are being disposed of by this common order.

Heard learned counsel for the petitioners and learned

APP for the State.

Let the defect (s), as pointed out by the office, be



removed within a period of four weeks.

In the present case, the petitioners seek bail in connection with Kinjar P.S. Case No. 78 of 2022 registered for the alleged offences under Section 420 of the Indian Penal Code and Sections 30(a), 32(iii) and 41(i)(ii) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

As per prosecution case, police received secret information about illicit liquor being taken on two vehicles and the said vehicles were intercepted and total 532.00 litres of India made foreign liquor was recovered. The petitioners were apprehended from the said vehicles.

The learned counsel for the petitioners submits that the petitioners are innocent and they have never been involved in the illicit trade of liquor. Nothing incriminating has been recovered from the conscious possession of the petitioners. The learned counsel further submits that the search and seizure have not been made following the statutory provisions and there are no independent witnesses to it. Charge-sheet has been submitted against them and the petitioners are in custody since 21.07.2022. The petitioners are having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the submissions made



hereinabove and considering the clean antecedent of the petitioners and further considering the submission of charge-sheet against 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 Special Court Excise, Jehanabad, in connection with Kinjar P.S. Case No. 78 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative o the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) 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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