

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54373 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Kamal Kishore Prasad, S/O Ram Avtar Prasad Resident Of Village- Bada Bishunpur, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56747 of 2022

Arising Out of PS. Case No.-278 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

Mukesh Kumar, Son Of Late Lalbabu Das Resident Of Village - Jaypal, P.S.- Bochahan, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 54373 of 2022)

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

(In CRIMINAL MISCELLANEOUS No. 56747 of 2022)

For the Petitioner/s : Mr. Priyesh Kumar

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with

Bochahan P.S. Case No – 278 of 2022, registered for the

offences punishable under Section 30(a) of the Bihar

Prohibition and Excise Act, 2018.



As per allegation, 442.440 litres of liquor has been recovered from the Bolero Vehicle standing near the door of Mukesh Kumar.

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

The petitioners have been languishing in jail since 07.07.2022.

It is also stated in paragraph no. 2 of the petitions that the petitioners have not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioners have no criminal antecedent.

However, the learned APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on



bail on his 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 Ld. Exclusive Special Excise Court No.1, Muzaffarpur in connection with Bochahan P.S. Case No – 278 of 2022 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 them 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 any criminal antecedent, 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 bonds of the petitioners.

The applications stand 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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