

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56906 of 2022

Arising Out of PS. Case No.-496 Year-2022 Thana- GARKHA District- Saran

1. Parwati Devi @ Prabhavati Devi, W/o Late Shivnath Chaudhary Resident of Village- Methepur, P.S.- Garkha, Distt- Saran.
2. Mukendra Chaudhary @ Makeswar Chaudhary, S/o Shivji Chaudhary Resident of Village- Methepur, P.S.- Garkha, Distt- Saran.
3. Raj Kishore Chaudhary, S/o Kanhaiya Lal Chaudhary Resident of Village- Methepur, P.S.- Garkha, Distt- Saran.
4. Mukesh Chaudhary, S/o Late Shiv Nath Chaudhary Resident of Village- Methepur, P.S.- Garkha, Distt- Saran.
5. Kanhaiya Lal Chaudhary, S/o Shiv Nath Chaudhary Resident of Village- Methepur, P.S.- Garkha, Distt- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Opposite Party/s : Ms. Renu Kumari

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 11-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Garkha

P.S. Case No. 496 of 2022, registered for the offences

punishable under Sections 30(a)(c), 38 and 41 of the Bihar

Prohibition and Excise Act, 2016.

As per allegation, the police personnel conducted

raid on secret information at different places and seized

liquor, motorcycle and other incriminating materials from the



possession of the petitioners.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. They further submits that nothing has been recovered from the conscious possession of the petitioners and search and seizure has not been made as per the rules as provided by Section 100 of the Cr. P.C.

The petitioners are languishing in jail since 29.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner have never moved before this Court for grant of anticipatory bail or regular bail.

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

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

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 Ld. Additional Sessions Judge 2nd – cum-1st Exclusive Special Judge, Excise, Chhapra, Saran in connection with Garkha P.S. Case No. 496 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 antecedents, 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 antecedents 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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