

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.58329 of 2022**

Arising Out of PS. Case No.-381 Year-2020 Thana- ATRI District- Gaya

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Srikant Singh S/O Mukhiya Singh @ Mukhiya Jee @ Indradev Singh  
Resident Of Village- Jagatpur, P.S.- Atri, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

with

**CRIMINAL MISCELLANEOUS No. 58868 of 2022**

Arising Out of PS. Case No.-381 Year-2020 Thana- ATRI District- Gaya

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Mahendra Giri @ Mahendra Manjhi Son of Musafir Giri Resident of Village-  
Jagatpur, Police Station- Atri, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 58329 of 2022)

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Gulnar Begum

(In CRIMINAL MISCELLANEOUS No. 58868 of 2022)

For the Petitioner/s : Mr. Syed Asgher Najmi

For the Opposite Party/s : Mr. Shaheen Begum

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2     23-12-2022                      Heard Ld. counsel for the petitioners and learned  
APP for the State.

The petitioners seek bail in connection with Atri P.S. Case No. 381 of 2020, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and 30(a) (d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story as emerges form the FIR is that about 10 litres country-made liquor, runnigh bhathi, drum, 4000 litres mahua mitha Kismis, Gehu ghol, and clay made chulha were recovered.

Ld. counsel for the petitioners submit 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 petitioners.

The petitioners have been languishing in jail since 04.07.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner, namely, Srikant singh has never moved



before this Court for grant of anticipatory bail or regular bail and petitioner, namely, Mahendra Giri @ Mahendra Manjhi has moved this Court for anticipatory bail vide Cr. Misc. No. 14466 of 2021 but the anticipatory bail was dismissed vide order dated 22.11.2021.

It has further been stated that the petitioner, namely, Srikant singh has no criminal antecedents but petitioner, namely, Mahendra Giri @ Mahendra Manjhi has two criminal antecedents.

However, the Ld. 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 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. Exclusive Special Excise Court No. 01, Gaya, in connection with Atri P.S. Case No. 381 of 2020, 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.

Ld. 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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