

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57593 of 2022

Arising Out of PS. Case No.-571 Year-2022 Thana- BIHTA District- Patna

1. Vikash Kumar S/o Raj Kishore Prasad (Kashri) R/o village- Aitwarpur, P.S.- Parsa, District- Patna
2. Suraj Kumar S/o Deonandan Singh @ Devanand Singh R/o village- Kurji, P.S.- Digha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 60407 of 2022

Arising Out of PS. Case No.-571 Year-2022 Thana- BIHTA District- Patna

Kundan Sharma, S/o Gauri Shankar Sharma R/V- Shiv Mandir Road,
Dopulwa, P.S.- Jakkanpur, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57593 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha

For the Opposite Party/s : Mr. Manoj Kumar

(In CRIMINAL MISCELLANEOUS No. 60407 of 2022)

For the Petitioner/s : Mr. Sudhir Kumar Sinha



For the Opposite Party/s : Mr. Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioners and
learned APP for the State.

The petitioners seek bail in connection with Bihta
P.S. Case No. 571 of 2022, registered for the offences
punishable under Sections 30 (a), 32 (1), 32(II), and 41 of
Bihar Prohibition and Excise Amendment Act, 2018.

As per allegation, 393 litres of liquor has been
recovered from two Tata Sumo vehicles, bearing Registration
No. BR01PA-7936 and BR01-FF7311.

The learned counsel for the petitioners submits that
the petitioner are innocent and have falsely been implicated
in this case. He further submits that the petitioners have no
concern with the aforesaid vehicles. Nothing incriminating
articles have been recovered from the conscious possession
of the petitioners.

The petitioners, namely, Vikash Kumar and Suraj
Kumar have been languishing in jail since 11.06.2022 and
the petitioner, namely, Kundan Kumar has been languishing



in jail since 12.06.2022.

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

It has further been stated in paragraph no. 3 of the petition that the petitioners, namely, Vikash Kumar and Suraj Kumar have no criminal antecedent. Petitioner, namely, Kundan Sharma has got two criminal antecedents.

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 learned Special Excise Judge, Danapur (Patna) in connection with Bihta P.S. Case No. 571 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 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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