

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56491 of 2022

Arising Out of PS. Case No.-709 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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1. Niraj Kumar Son of Sri Kanhaiya Singh R/V- Chandpur, Purani Basti, P.S- Sahatwar , Dist- Baliya
 2. Sanni Kumar @ Sanni Kumar Singh Son of Sri Vijay Pratap Singh R/V- Sultanpur, P.S- Maniyar, Dist- Baliya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 56590 of 2022

Arising Out of PS. Case No.-709 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

Saurabh Kumar Son Of Sri Vijay Prasad Resident Of Muhalla-West Patel
Nagar Sona Medical Janki Patha P.S. L.B. Shastrinagar District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56491 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Shyam Bihari Singh

(In CRIMINAL MISCELLANEOUS No. 56590 of 2022)

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Syed Ehteshamuddin

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 Special

Case No. 5052 of 2022 arising out of Excise (Patna) P.S.



Case No. 709 of 2022, registered for the offences punishable under Section 30 (a)/56(b) of Bihar Prohibition and Excise Act 2016 (Amended) 2022.

As per allegation, 103.680 litres whisky was recovered from the alleged car bearing Registration No. BR01AN9001.

The learned counsels for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They also submit that petitioner no. 1, namely, Niraj Kumar and petitioner no. 2, namely Sanni Kumar in Cr. Misc. No. 56491 of 2022 were only driver and *khalasi* of the said vehicle and the petitioner, namely, Saurabh Kumar in Cr. Misc. No. 56590 of 2022 was only the passenger of the alleged vehicle. They also submit that nothing has recovered from the conscious possession of the petitioners.

The petitioners are languishing in jail since 24.08.2022.

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



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

However, the learned APP for the State opposes the prayer 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 Judge, Excise, Patna in connection with Special Case No. 5052 of 2022 arising out of Excise (Patna) P.S. Case No. 709 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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