

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62741 of 2022

Arising Out of PS. Case No.-228 Year-2022 Thana- NOKHA District- Rohtas

-
1. NILESH YADAV @ NILESH KUMAR SON OF DINESH YADAV R/O VILLAGE- NAWADIH, P.S.- NOKHA, DISTT.- ROHTAS
 2. ANIL YADAV @ ANIL KUMAR SON OF AKHILESH YADAV R/O VILLAGE- NAWADIH, P.S.- NOKHA, DISTT.- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navin Kumar

For the Opposite Party/s : Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Nokha P.S. Case No. 228 of 2022, registered for the offences punishable under Sections 30(a) and 30(c) of Bihar Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 90 litres of country made liquor was recovered from open space.

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 search and seizure has not been made as per the procedure prescribed under Section 100 of the Bihar Prohibition and Excise Amendment Act, 2018.

The petitioners have been languishing in jail since 13.07.2022.

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 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 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- Special Judge Excise Rohtas at Sasaram in connection with Nokha P.S. Case No. 228 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)

ashishkr/-

U		T	
---	--	---	--

