

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58596 of 2022

Arising Out of PS. Case No.-136 Year-2022 Thana- KISHUNPUR District- Supaul

1. Ram Bilash Yadav Son of Sri Sukan Yadav Resident of Village - sukhason, Ward No. 4, P.S.- Kishanpur, P.O.- Sripur, District - Supaul.
2. Sanjeev Kumar Son of Sri Kameshwar Yadav Resident of Village - Horiyapatti, P.O.- Ganpatganj, P.S.- Raghapur, District - Supaul.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with S.T.

No. 389 of 2022, arising out of Kishanpur P.S. Case No.

136 of 2022 registered for the offences punishable under

Section 30(a) of Bihar Prohibition and Excise Act, 2016.

As per allegation, 1536.120 litres of liquor has

been recovered.

The learned counsel for the petitioners submit that

the petitioner 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 further submits that search and seizure has not been made as per the procedure prescribed under Section 100 Cr.P.C.

The petitioner has been languishing in jail since 03.09.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners earlier moved this Court for grant of anticipatory bail in Cr. Misc. No. 39066 of 2022, the same was dismissed as withdrawn vide order dated 14.09.2022.

It has further been stated in paragraph no. 3 that the petitioner no. 1 Ram Bilash Yadav is accused in two more cases and petitioner no. 2 is made accused in one case.

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 Additional Sessions Judge-VI-cum-Special Judge, Excise, Court No. 01, Supaul in connection with Kishanpur P.S. Case No. 136 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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