

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58786 of 2022

Arising Out of PS. Case No.-438 Year-2022 Thana- BHAGWAN BAZAR District- Saran

1. Suraj Kumar Son Of Anil Prasad R/O Ward No.- 29, Roopganj, P.S.- Chapra Town, Dist.- Saran.
2. Vinit Kumar Son of Late Krishna Prasad Sah R/o Mohalla - Gandhi Chawk, P.S.- Chapra Town, Dist.- Saran.
3. Sanjay Prasad Son of Late Girija Nand Prasad R/o Mohalla - Shiv Bazar, P.S.- Bhagwan Bazar, Dist.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Harshvardhan
For the Opposite Party/s : Mr. Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

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

APP for the State.

The petitioners seek bail in connection with

Bhagwan Bazar P.S. Case No. 438 of 2022, registered for

the offences punishable under Section 30(a) of Bihar

Prohibition and Excise (Amendment) Act, 2018.

As per allegation, 15,750 liters of foreign liquor

and 100 liters country-made liquor has been recovered.

Ld. counsel for the petitioners submits that the

petitioners are innocent and have falsely been implicated in



this case. He further submits that recovery has been made in the open space and nothing has been recovered from the conscious possession of the petitioner.

The petitioners have been languishing in jail since 14.09.2022.

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 petitioner no. 1 have two criminal antecedent and petitioners no. 2 and 3 have no criminal antecedent.

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. ACJM Saran at Chapra in connection with Bhagwan Bazar P.S. Case No. 438 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.

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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